

TOWN OF SOUTH FORK
LAND USE AND DEVELOPMENT CODE

Municipal Code

Title 4, Chapters 1- 9

Adopted April 10, 2003

TABLE OF CONTENTS

TITLE 4

Chapter 1 – Zoning and Land Use	Page 3
Table A – Uses by Zone District (8 pages)	
Table B – Building Lot by Dimensions (1 page)	
Chapter 2 – Off Street Parking	Page 128
Chapter 3 – Signs	Page 132
Chapter 4 – Annexations	Page 138
Chapter 5 – Subdivision Regulations	Page 158
Chapter 6 – Site Development Standards	Page 189
Chapter 7 – Curbs, Gutters, and Sidewalks	Page 199
Chapter 8 – Street Design and Construction	Page 210
Chapter 9 – Water and Sewer Standards	Page 222

Chapter 4.1 Zoning and Land Use

TABLE OF CONTENTS

General Provisions (4.1.1)	4
Definitions (4.1.2)	10
Amendments to Official Zoning Map (4.1.3)	45
Amendments to Land Use Code (4.1.3.7)	47
Enforcement & Administration (4.1.3.9)	49
Submittal Requirements (4.1.3.10)	53
Review Procedures (4.1.4)	62
Criteria and Standards (4.1.5)	71
Zoning Districts (4.1.6)	79
Supplemental Provisions (4.1.7)	115
Examples of Required Statements and Forms (4.1.8)	121
Commissions, Boards, and Staff (4.1.9)	123
Uses by Zone District (Table A)	(8 Pages)
Building Lot by Dimensions (Table B)	(1 Page)

4.1: General Provisions

4.1.1. Title

This Code shall be cited as the "Town of South Fork Land Use and Development Code."

4.1.1.2. Authority

The Authority granting the Town of South Fork the ability to control Land Use is contained in Colorado Revised Statute 29-20-104.

4.1.1.3. Jurisdictional Area

The territorial jurisdiction of this Code shall include all of the incorporated land located within the limits of the Town of South Fork, Colorado.

4.1.1.4. Purpose

This Code is enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the Town of South Fork, including the lessening of congestion in the streets and roads or reducing the waste of excessive amounts of roads, securing safety from fire, flood waters and other dangers, providing adequate light and air; the classification of land uses and the distribution of land development and utilization, avoiding undue congestion of population, facilitating the adequate provision of transportation, water, schools, sewerage and other public requirements; facilitating protection of the tax base, securing economy in governmental expenditures, fostering the Town's industries and the protection of urban development.

The Town Board with the recommendations of the Planning and Zoning Commission of the Town of South Fork declare that this Code is additionally adopted for the following specific purposes:

- (1) To promote coordinated and sound development and to encourage innovation in residential development or renewal so that housing demands may be met by a greater variety of types and design of housing units.
- (2) To provide for higher quality in site and land planning, to conserve open space and to provide more efficient and attractive open space.
- (3) To encourage use of land for purposes that will best meet present and future needs of the Town.
- (4) To minimize conflicts between the land uses with the interpretation of the Land Use and Development Code.

- (5) To ensure that proposed developments adequately mitigate potential hazards to protect the rights, health, safety and well being of citizens of the Town of South Fork in conformance with the Town of South Fork Land Use and Development Code.
- (6) Assuring that valuable resources whose anticipated value to the citizens, county, state and nation exceeds the value of the proposed development are protected. Mineral resources shall be protected to allow extraction or exploration of minerals unless extraction and/or exploration would cause significant danger to the public health and safety.
- (7) Recognizing the rights of the developer, the citizens and the community and to assure that any proposed development does not create excessive burden on the Town resources.
- (8) Providing for the proper arrangement, width and design of streets, in order to minimize traffic hazards and to provide for safe and convenient vehicular movement.
- (9) Ensuring for the provision of adequate and convenient open spaces for traffic, utilities, access for fire fighting apparatus, drainage, recreation, sites for schools and educational facilities, and related structures, light and air.
- (10) Avoiding congested use by ensuring that land is subdivided into lots which are of adequate size and configuration for the purpose for which they are intended to be used.
- (11) Protecting soil, water, aesthetics and other natural resources of the Town from waste or degradation.
- (12) Regulating such other matters as the Planning and Zoning Commission and Town Board may deem necessary in order to protect the best interests of the public.

4.1.1.5. Severability

If any section, clause, provision or portion of this Code is judged invalid by Court of Competent Jurisdiction, the remainder of this Code shall not be affected.

4.1.1.6. Liability

This Code shall not be construed to hold the Town or its authorized representatives responsible for any damage to persons or property by reason of the inspection or re-inspections authorized herein or for failure to inspect or re-inspect or by reason of issuing a permit as herein provided.

4.1.1.7. Safety Clause

The Town of South Fork Town Board hereby finds, determines, and declares that this Code is necessary for the immediate preservation of the public peace, health and safety of the Town of South Fork.

4.1.1.8. Violations and Penalties

Any person, firm or corporation violating any provisions of this Code shall be subject to penalties set forth in this Code, other applicable Town of South Fork Ordinances, current Colorado Revised Statutes, as amended, and other legal action provided by law that may be applicable.

Copies of this Code shall be made available for sale at the Office of the Town of South Fork at reasonable fees to be set by the Town.

4.1.1.9. Interpretation of Regulations

Whenever the provisions of this Code are found to be inconsistent with any other regulations, the regulation imposing the more restrictive standards shall control. The provisions of the regulations are minimum requirements that do not preclude imposition of more restrictive standards by agreement or by law. In the event any part of this code must be abated by the Town, no provision of this Code should be construed to relieve any property owner from any of the provisions contained herein.

4.1.1.10.1. Regulations by Zone District

- (1) The procedures set forth in this subsection shall be used to request the vesting of property rights within the following Zone Districts:

Rural Residential (RR)
Residential (R)
Mobile Home (MH)
Medium Density (MD)
Recreational Vehicle (RV)
Commercial (C)
Commercial Business (CB)
Downtown Business (DB)
Light Industrial (LI)
Heavy Industrial (HI)

- (2) Overlays may affect some Zone Districts.

Economic Development Overlay (ED)
Planned Unit Development Overlay (PUD)
Highway Corridor Overlay (HC)
Flood Hazard Overlay (FH)

- (3) The Town Boards approval of a Final Plat for residential uses may constitute approval of a Site Specific Development Plan for the purposes of property rights vesting.
- (4) For all other uses, including those listed within the category of uses requiring conditional use review or Planned Unit Development, the Town Board shall require a Site Specific Development Plan for purposes of property rights vesting.

4.1.1.10.2. Platting Required

All land for which a vesting of property right is requested shall be platted prior to or in conjunction with such vesting.

4.1.1.10.3. Request for Site Specific Development Plan Approval

Any request for approval of a Site Specific Development Plan which will create a vested property right shall follow the procedures established for land use designation or re-designation requests set forth in this Code, including the provisions for a published notice and public hearing. Failure to make such request will renders the approval not a "Site Specific Development Plan," and no vested rights shall be deemed to have been created.

4.1.1.10.4. Standards and Conditions for Approval

A Site Specific Development Plan shall be approved only if the Town Board finds that the Site Specific Development Plan meets the following standards and conditions:

- (1) Meets the minimum application requirements pursuant to the Town of South Fork Land Development Code for the subject development of the property, including terms and conditions of such land use approval.
- (2) Is consistent with the Land Use and Development Code.
- (3) The development must comply with all applicable codes, regulations and other permit requirements in effect at the time of approval.

The Board may approve, conditionally approve, or deny a request for Site Specific Development Plan approval. A conditional approval may impose terms and conditions as necessary to protect the public health, safety and welfare of current and future residents of the Town. Failure to abide by such terms and conditions shall result in forfeiture of vested property rights and shall void the Site Specific Development Plan. Reapplication for forfeited rights shall be by new application and shall comply in all respects with the procedural and substantive provisions of this chapter.

4.1.1.10.5. Notice

Notice of the Town Board's approval of a Site Specific Development Plan and the creation of vested property rights shall be published once in a newspaper of general circulation in the Town of South Fork no later than fourteen (14) days following the approval.

4.1.1.10.6. Duration of Vested Property Rights

A vested property right, once created, shall run for a period of three (3) years commencing from the date of the Board's approval of the Site Specific Development Plan.

The Town Board may enter into a Development Agreement with the applicant providing for vesting of property rights for a period of longer than three (3) years. In determining whether to enter into such an agreement to extend the time period of Site Specific Development Plan approval, the Town Board shall consider the size and phasing of the development, economic cycles, market conditions and other relevant circumstances which may warrant such agreement. A development agreement shall, as a minimum, include the following:

- (1) Legal Description of the land subject to the development agreement.
- (2) Specification of the permitted uses of the property, the density and intensity of use, the phasing of the development project and the maximum height and size of proposed buildings.
- (3) Provision, where appropriate, for reservation or dedication of land for public purposes as may be required or permitted pursuant to laws, resolutions, regulations or policies in effect at the time of entering into the agreement.
- (4) Identification of the terms and conditions relating to financing of necessary facilities by the applicant.
- (5) Description of all permits needed to be approved for the development of the property.
- (6) Provision for commencement dates and completion dates.
- (7) Provision for review of compliance with the terms and conditions of the development agreement, on a periodic basis.
- (8) Provision for modification, termination, cancellation and enforcement of the development agreement.
- (9) Description of any requirements determined to be necessary to protect the public health, safety and welfare.

- (10) The development agreement may also cover any other matters not consistent with this code nor prohibited by law.

4.1.1.11. Recording Required

- (1) Prior to the Town Board's consideration of a Site Specific Development Plan, the applicant shall provide the Land Use Department official a copy of the plan and related documents (e.g. Development Agreement, Covenants, Resolutions) to be recorded together with all fees necessary to record the Site Specific Development Plan and related documents before any further action will be taken.
- (2) Upon the Town Board's approval of the site specific development plan, the signature of the Mayor of the Town of South Fork and the Chairman of the Planning and Zoning Commission shall be affixed to the document.
- (3) The Site Specific Development Plan and related documents shall be recorded by the Land Use Department prior to the publication of the Notice of the Town Board's approval of the Site Specific Development Plan and creation of vested property rights.
- (4) No changes, erasures, modifications or revisions shall be made to the Site Specific Development Plan after final approval by the Town Board.

4.1.1.12. Amendments to Site Specific Development Plans

No amendment of the Site Specific Development Plan shall be permitted except upon approval by the Town Board following review and public hearings held in accordance with this chapter and pursuant to finding that the amendment is consistent with the standards as set forth in **Articles 5 and 6** of this Code. The Town Board's approval of any such amendment of the Site Specific Development Plan shall not extend the duration of the original vesting unless expressly authorized by the Town Board.

4.1.1.13. Fees

The Town Board may establish fees to cover the costs associated with review and publication costs as applicable of any application for a Site Specific Development Plan.

4.1.1.14. Other Provisions Unaffected

Approval of a Site Specific Development Plan shall not constitute an exemption from or waiver of any other provisions of this Code, nor any other applicable Town regulations, Ordinances, or resolutions, pertaining to the development and use of property.

4.1.2 Definitions

4.1.2. General Interpretations

The words and terms used, defined, interpreted or further described in this Code may be construed as follows:

- (1) The particular controls the general.
- (2) The word "shall" is always mandatory and not directory. The word "may" is permissive.
- (3) Words used in the present tense include the future unless the context clearly indicates the contrary.
- (4) Words used in the singular include the plural and words used in the plural include the singular unless the context clearly indicates the contrary.
- (5) The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
- (6) In case of any difference of meaning or implication between the text of this Code and the caption for each section, the text shall control.

4.1.2.1 Words and Terms

The following specific words and terms are defined as follows:

- (1) **ACCESSORY BUILDING or USE.** an attached or detached subordinate structure located on the same zone lot with the principal building, the use of which is customary and incidental to the use of the principal building.
- (2) **ADJOINING.** Land that is directly abutting the property line of an adjacent property at any point or points.
- (3) **ADMINISTRATOR.** The Town of South Fork Administrator.
- (4) **AMENDED PLAT:** An amended subdivision plat, or "replat", which changes the number of separately described contiguous parcels of property of lots previously approved by the Town, and meeting the requirements of **Section 4.5.10.**
- (5) **APPLICANT.** Any person who submits an application for a permit, or other approval required under this Title 4.
- (6) **AREA OF SPECIAL FLOOD HAZARD.** The land in the flood plain subject to a one- percent or greater chance of flooding in any given year, as determined by Authorized Governmental Entity.

- (7) **BASE FLOOD.** The flood having a one percent chance of occurring in any given year, as determined by Authorized Governmental Entity.
- (8) **BED AND BREAKFAST.** An establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment with no greater than 12 guest rooms and stay not to exceed 30 days.
- (9) **BEDROCK.** A consolidated rock formation of impervious material, which may exhibit a jointed, fractured or cohesive structure.
- (10) **BLOCK.** A unit of land bounded by streets or by a combination of streets and public lands, railroad rights-of-way, waterways or any other barrier to the continuity of development, but shall not include in the calculation of the block size measurement the barriers creating the boundary.
- (11) **BOARD OF ADJUSTMENT.** The officially appointed Board of Adjustment of The Town of South Fork, Colorado, a five member independent board appointed to act in the manner described in this Title 4.
- (12) **BOARDING HOUSE OR ROOMING HOUSE.** A building or portion of which is used to accommodate, for compensation, three or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word compensation shall include compensation in money, services or other things of value.
- (13) **BUILDING.** Any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:
- Is permanently affixed to the land;
 - Has one or more floors and a roof; and
 - Is bounded by either open space or the lot lines of a lot.
- (14) **BUILDING FLOOR AREA.** the gross floor area of a building as measured along the outside walls of the building and including each floor level, but not including open balconies, the first seven hundred twenty (720) square feet of garages or other enclosed automobile parking areas, basements and one-half (½) of all storage and display areas for hard goods.
- (15) **BUILDING FRONTAGE.** That side of a building, which faces and is parallel to or most nearly parallel to a public or private street. The length of the frontage is determined by measuring along the outside walls of the building and including eaves, which are at

least eight feet above grade and are an integral part of the roof or building wall. There can only be one building frontage for each street upon which a building faces.

- (16) **BUILDING HEIGHT.** The vertical distance measured from the lowest point of finished grade on the lot within twenty-five (25) feet of the building to the uppermost point of the roof.
- (17) **BUILDING LINE:** A line parallel to the property line beyond which no exposed portion of a building extends, other than the roof overhang.
- (18) **BUILDING SEWER.** That part of the piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal.
- (19) **BUSINESS AND PROFESSIONAL OFFICE.** The office of an engineer, planner, dentist, doctor, attorney, real estate broker, insurance broker, architect or other similar professional persons and any office used primarily for accounting, correspondence, research, editing or administration, used for business or personal services.
- (20) **CERTIORARI.** An action from a superior court to call up for review the records of an inferior court or a body acting in a quasi-judicial capacity.
- (21) **CHARACTER.** Those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.
- (22) **CHILD CARE CENTER.** A facility, by whatever name known, which is maintained for the whole or part of a day for the care of seven (7) or more children under the age of sixteen (16) years who are not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated educational purposes, except that a *child care center* shall not include any of the following three (3) types of family care homes as defined by the State of Colorado: family child care home, infant/toddler home or experienced family child care provider home. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, large child care homes as defined by the State of Colorado, centers for mentally retarded children and those facilities which give twenty-four-hour-per-day care for dependent and neglected children. *Child care centers* are also those facilities for children under the age of six (6) years with stated educational purposes which are operated in conjunction with a public, private

or parochial college or a private or parochial school, except that the term shall not apply to a kindergarten maintained in connection with a public, private or parochial elementary school system of at least six (6) grades.

- (23) **COMMERCIAL DEVELOPMENT.** Any land development activity except development activity intended solely for residential, industrial and/or light industrial use.
- (24) **COMMERCIAL EVENT.** An event or activity that is conducted for purposes of gaining revenue.
- (25) **COMMERCIAL FEEDLOT.** A feedlot where the owner conducts the feeding operation for another individual or firm for a profit. A feedlot is; a tract of land devoted to concentrated and intensive feeding of processed feeds to animals within more or less permanent corrals, pens or yards; except transient populations of animals used to glean fields of any available forage.
- (26) **COMMERCIAL VEHICLE.** Any vehicle with a GVW greater than 8500 lbs.
- (27) **COMMON OPEN SPACE.** A development specific parcel of land or an area of water or a combination of both land and water within any site designated. Common open space does not include street, alleys, parks, off-street parking and loading areas, public open space or other facilities dedicated by the developer for public use. Common open space shall be substantially free of structures, but may contain such improvements that are approved by the Town Board.
- (28) **COMMUNITY FACILITY.** A publicly owned facility or office building which is primarily intended to serve the recreational, educational, cultural, administrative or entertainment needs of the community as a whole.
- (29) **COMMUNITY PARK.** A town-owned park of not less than thirty (30) acres which serves the recreational and open space needs of the community as a whole.
- (30) **COMMUNITY SHOPPING CENTER.** A shopping and service center located in a complex which is planned and developed as a unit, and which is intended to serve consumer demands from residents and employees who live and work in surrounding neighborhoods as well as the community as a whole. A *community shopping center* provides, in addition to the convenience goods of a neighborhood service center, a wider range of facilities for the sale of goods, such as, but not limited to, food, books, apparel and furniture. A *community shopping center* may include multi-family residential, as well as non-retail employment generating uses (such as professional offices) within

the retail component of the center.

- (31) COMPATIBILITY. The characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting *compatibility* include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect *compatibility* are landscaping, lighting, noise, odor and architecture. *Compatibility* does not mean "the same as." Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development.
- (32) COMPOSTING FACILITY. Any site where decomposition processes are used on solid waste (including leaves, grass, manures and non-meat food production wastes received from residential, commercial, industrial non-hazardous and community sources, but not including bio-solids) to produce compost; provided that such facility has on-site at any given time more than one thousand (1,000) cubic yards or three hundred (300) dry tons of active composting material or feedstock.
- (33) CONDITIONAL USE. A use or occupancy of a structure, or a use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein.
- (34) CONDOMINIUM. The ownership of individual dwelling units located on a lot or lots which are owned in common by individual unit owners, or any division of the interests in real property, including easements and leases of over five years, that have the effect of permitting more than one dwelling unit on a lot without the division of the fee simple interest in said lot.
- (35) CONNECTING WALKWAY. (1) any street sidewalk, or (2) any walkway that directly connects a main entrance of a building to the street sidewalk without requiring pedestrians to walk across parking lots or driveways, around buildings or around parking lot outlines which are not aligned to a logical route.
- (36) CONNECTOR STREET. A local street for residential areas which is anticipated to carry from one thousand (1,000) to two thousand five hundred (2,500) vehicles per day in traffic volume at desirable speeds of up to twenty-five (25) miles per hour and which connects with collector and arterial streets and adjoining neighborhoods.
- (37) CONVENIENCE RETAIL STORE (*also known as convenience store*). A retail store containing less than five thousand (5,000) square feet of gross floor area which sells everyday goods and services which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs and sundries.

- (38) **CONVENIENCE SHOPPING CENTER.** A shopping and service center situated on seven (7) or fewer acres with four (4) or more business establishments with separate exterior entrances, located in a complex which is planned, developed and managed as a single unit, and located within and intended to primarily serve the consumer demands of adjacent employment areas. The principal uses permitted include retail stores; business services; convenience retail stores with fuel sales (possibly including an accessory one-bay automatic carwash but not a multi-bay self-serve carwash); personal business and service shops; standard or fast food restaurants (without drive-up windows); liquor sales (for on- or off-premise consumption); beauty or barber shops; dry-cleaning outlets; equipment rental (not including outdoor storage); limited indoor recreational uses; pet shops; and uses of similar character. Secondary uses may include professional offices; limited banking services such as branch banks (with limited drive-up facilities) and automated teller machines; multi-family dwellings; medical offices and clinics; small animal veterinary clinics; child care centers; and elderly day-care facilities.
- (39) **CONVENIENCE STORE WITH FUEL SALES.** A convenience retail store which also sells gasoline or other fuel products.
- (40) **CONVENTION AND CONFERENCE CENTER.** A facility used for business or professional conferences and seminars, often with accommodations for sleeping, eating and recreation.
- (41) **CONSTRUCTION.** See Development.
- (42) **CONTRACTORS EQUIPMENT STORAGE.** A parcel of land, or portion thereof, used for the purpose(s) of storing construction materials, equipment, vehicles or machinery.
- (43) **CORNER LOT.** A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street and where, in either case, the interior angle formed by the intersection of street lines does not exceed one hundred thirty five (135) degrees.
- (44) **COUNTY.** Rio Grande County Colorado.
- (45) **DEDICATED TO PUBLIC USE.** The transfer of private property to public ownership upon written acceptance.
- (46) **DENSITY.** The overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis.
- (47) **DEVELOPMENT.** Shall mean the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or, except as is

authorized in Section 1.4.7, the dividing of land into two (2) or more parcels.

(A) Development shall also include:

- (1) Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
- (2) Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
- (3) Any change in use of land or a structure;
- (4) Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
- (5) The commencement of drilling (except to obtain soil samples), mining, stockpiling of fill materials, filling or excavation on a parcel of land;
- (6) The demolition of a structure;
- (7) The clearing of land as an adjunct of construction;
- (8) The deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- (9) The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property.
- (10) The construction of a roadway through or adjoining an area that qualifies for protection by the establishment of limits of development.

(B) Development shall *not* include:

- (1) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
- (2) Work by any public utility for the purpose of inspecting, repairing, renewing or constructing, on public rights-of-way, any mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks or the like; provided, however, that this exemption shall not include work by a public utility in

constructing or enlarging mass transit or railroad depots or terminals or any similar traffic-generating activity;

- (3) The maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;
- (4) The use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products; for raising or feeding livestock (other than in feedlots); or for other agricultural uses or purposes, provided none of the above creates a nuisance;
- (5) A change in the ownership or form of ownership of any parcel or structure;
- (6) The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.

(C) When appropriate in context, Development shall also mean the act of Development or to the result of Development.

- (48) DEVELOPMENT (Flood plain). Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard.
- (49) DEVELOPMENT AGREEMENT-SITE SPECIFIC DEVELOPMENT PLAN. An agreement entered into between the applicant for Site Specific Development Plan and the Town, following a public hearing or the application therefore, which may extend the period of time for which the approval of a Site Specific Development Plan establishes vested rights. The term or period of such an agreement shall not be more than three (3) years.
- (50) DEVELOPMENT GUIDE. A manual establishing variations from lot size, bulk, type of use or activity, density, open space or other Town land use and subdivision regulations standards within a planned unit development.
- (51) DEVELOPMENT PLAN. An application submitted to the town for approval of a permitted use, which depicts the details of a proposed development. *Development plan* includes an overall development plan, a project development plan and/or a final plan.
- (52) DEVELOPMENT PROJECT. A project that has been reviewed under the applicable town review process and has been approved and is ready for development construction to begin. For the

purposes of the Development Construction Permit and its related requirements, bonds, warranties and fees, if such a project has defined phases, then each phase shall be considered a *development project* independent from the other phases.

- (53) DIRECTOR. Director of Public Works, or designee.
- (54) DISTRIBUTOR. The seller of a service or product.
- (55) DISTRICT. An area or areas within the incorporated part of the Town for which the regulations and requirements governing use, lot, and bulk of building and premises are uniform.
- (56) DORMITORY. A building used as group living quarters for students or religious adherents as an accessory use for a bona fide college, university, boarding school, seminary, convent, monastery or other similar institutional use.
- (57) DRAINAGE SYSTEM: A system designed to carry off and minimize the effects of run-off water. It may consist of surface grading or surface piping or other components as required.
- (58) DRIVE AISLES. The lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term *drive aisle* does not include lanes used only or primarily for drive-in customer service.
- (59) DRIVE-IN ESTABLISHMENT. An establishment which by design, physical facilities, service or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.
- (60) DWELLING. A building used exclusively for residential occupancy and for permitted accessory uses, including single-family dwellings, two-family dwellings and multi-family dwellings. The term *dwelling* shall not include hotels, motels, tents or other structures designed or used primarily for temporary occupancy. Any dwelling shall be deemed to be a principal building.
- (61) DWELLING, SINGLE-FAMILY. A dwelling containing no more than one (1) dwelling unit.
- (62) DWELLING UNIT. One (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building.
- (63) DWELLING-MULTI-UNIT. A dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and

sorority houses and similar group accommodations.

- (64) DWELLING, MIXED-USE. A dwelling that is located on the same lot or in the same building as a nonresidential use.
- (65) EASEMENT. Authorization by a property owner for the use by another, and for a specified purpose, of a designated part of his or her property.
- (66) ELDERLY. A person sixty (60) years of age or older.
- (67) EMPLOYEES. The total number of persons reasonably anticipated to be employed in a building or on land during normal periods of use.
- (68) ENCLOSED MINI STORAGE. A building containing separate, individual, private storage spaces, which may be of various sizes, and which are rented pursuant to individual leases for varying periods of time.
- (69) ENGINEER OR LICENSED PROFESSIONAL ENGINEER. A professional engineer means a person who is qualified to perform engineering work and registered in conformance with Title 12, Article 25 of the Colorado Revised Statutes.
- (70) ENTERTAINMENT FACILITIES AND THEATERS. A building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.
- (71) EQUITABLE TITLE. A term as used in the Colorado Revised Statutes that refers to a form of property ownership meaning a controlling financial interest in a piece of property.
- (72) ESTATE SUBDIVISION
(LARGE): A subdivision, or part thereof, with a minimum lot size of at least one half (0.5) of an acre, a gross area of at least ten (10) acres or a minimum total area inclusive of adjoining approved large or small "estate subdivision: with a minimum of one-sixth (1/6) contiguity of at least twenty (20) acres, and which is designated as a "single family residence" district.
- (73) ESTATE SUBDIVISION
(SMALL): A subdivision, or part thereof, with a minimum lot size of fourteen thousand five hundred (14,500) square feet, a gross area of at least ten (10) acres or a minimum total area inclusive of adjoining approved large or small "estate subdivision" with a minimum of one-sixth (1/6) contiguity of at least twenty (20)

acres, and which is designated as a “single family residence” district.

- (74) EVIDENCE. Any map, table, chart, valid contract or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition.
- (75) EXHIBIT HALL. A privately owned building or part of a building devoted to the routine display for public viewing of works of art or other similar articles or collectibles of enduring interest or value, and where such display is intended, in part, to serve the educational and cultural needs of the community as a whole.
- (76) EXPANSIVE SOIL AND ROCK. Soil and rock which contains clay and which expands to a significant degree upon wetting and shrinks upon drying.
- (77) FAMILY. An individual living alone, or any of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities:
 - Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship unless such number is otherwise specifically limited in this Land Use Code; or any unrelated group of persons consisting of:
 - Not more than three (3) persons; or
 - Not more than two (2) unrelated adults and their related children, if any.
- (78) FAMILY CARE HOME. A facility for child care in a place of residence of a family or person for the purpose of providing family care and training for a child under the age of sixteen (16) years who is not related to the occupants of such home, or a facility in a place of residence of a family or person for the purposes of providing elderly day care. The three (3) categories of family-care homes are defined as follows:
 - DAY CARE HOME. A facility licensed by the State of Colorado that provides on a regular basis in a place of residence, less than twenty-four-hour care for up to six (6) or more children from different family households who are not related to the caregiver. Such a facility may be any of the following three (3) types of family care homes as defined by the State of Colorado: family child care home, infant/toddler home or experienced family child care provider home.

- FAMILY FOSTER HOME. A facility providing care and training for a child or children not related to the caretaker for regular twenty-four-hour care, provided that such child or children are received from any state-operated institution for child care or from any child placement agency as defined in Section 26-6-102(2), C.R.S.
 - ELDERLY DAY CARE HOME. A home in a place of residence of a family or person for the daytime care, protection and supervision of persons of at least sixty (60) years of age, who are not related to the caretakers, for more than two (2) full days per week.
- (79) FARM ANIMALS. Animals commonly raised or kept in an agricultural, rather than an urban, environment including, but not limited to, chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules.
- (80) FEEDLOT. A tract of land devoted to concentrated and intensive feeding of processed feeds to animals within more or less permanent corrals, pens or yards; except transient populations of animals used to glean fields of any available forage.
- (81) FENCE. A free-standing structure of metal, masonry, composition or wood or any combination thereof resting on or partially buried in the ground and rising above ground level used for confinement, screening or partition purposes.
- (82) FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of waters, and/or the unusual and rapid accumulation or runoff of surface water from any source.
- (83) FLOOD HAZARD PRONE AREA. An area lying in a floodplain as determined by the best available information.
- (84) FLOOD INSURANCE RATE MAP. An official map of the community on which the Federal Emergency Management Agency has designated areas of special flood hazard.
- (85) FLOOD PLAIN. An area in and adjacent to a stream, which is subject to flooding as a result of the occurrence of an intermediate regional flood and which area thus is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property.
- (86) FLOOD PROFILE. Engineering conclusions based upon historical facts and/or generally accepted engineering principles, represented on a graph or other medium, showing the relationship of the water surface elevation, floor elevation, and elevation of lands surrounding the channel.

- (87) **FLOODPROOFING.** A combination of structural provisions, changes or adjustments to lands, properties and structures subject to flooding primarily for the reduction or elimination of flood damages to lands, properties, structures and contents of buildings in a flood hazard prone area.
- (88) **FLOOR AREA.** The gross floor area of a building as measured along the outside walls of the building and including each floor level, but not including open balconies, the first seven hundred twenty (720) square feet of garages or other enclosed automobile parking areas, basements and one-half ($\frac{1}{2}$) of all storage and display areas for hard goods.
- (89) **FLOOR AREA RATIO. (FAR)** The amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block FAR.
- (90) **FOOD CATERING OR SMALL FOOD PRODUCT PREPERATION.** An establishment in which the principal use is the preparation of food and/or meals on the premises, and where such food and/or meals are delivered to another location for consumption or distribution, and where such use occupies not more than five thousand (5,000) square feet in gross floor area.
- (91) **FOOT CANDLE.** A unit of measurement referring to illumination incident to a single point. One (1) foot-candle is equal to one (1) lumen uniformly distributed over an area of one (1) square foot.
- (92) **FRONTAGE ROAD.** Shall mean a local street which is parallel to and adjacent to expressways or arterials and which provides access to abutting properties and protection from through traffic.
- (93) **FUGITIVE DUST.** Solid airborne particulate matter emitted from any source other than an opening which channels the flow of air contaminants and then exhausts the contaminants directly into the atmosphere. Fugitive dust also includes solid particles released into the atmosphere by natural forces or by mechanical processes, such as crushing, grinding, milling, drilling, demolishing, pulverizing, shoveling, conveying, covering, bagging or sweeping.
- (94) **FULLY SHIELDED.** Shielded or constructed so that no light rays are emitted by the installed outdoor light fixtures at angles above the horizontal plane, as certified by a photometry test report.
- (95) **FUNERAL HOME.** A building used for the preparation of the deceased for burial or cremation, for the display of the deceased

and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies.

- (96) **GARAGE, PUBLIC.** A garage, other than a private garage, used for the housing or care of motor vehicles or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.
- (97) **GEOLOGIC HAZARD.** Unstable or potentially unstable slopes, faulting, landslides, rockfalls, flood, wildfire or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.
- (98) **GEOLOGIC HAZARD PRONE AREA.** An area which may contain or may be directly affected by a geologic hazard.
- (99) **GOVERNMENTAL OR PUBLIC UTILITIES SERVICES.** The erection, construction, alteration or maintenance by public utilities or municipal departments of underground or overhead gas, electrical, steam or water transmission distribution systems, collection, communication, supplier-disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.
- (100) **GRADE (ground level).** The finished surface of the ground, paving or sidewalk within a line five feet from the building. If walls are five feet of a sidewalk, alley or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley or public way.
- (101) **GROCERY STORE.** A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies a space of at least five thousand (5,000) square feet.
- (102) **GROUND SUBSIDENCE.** A process characterized by the downward displacement of surface materials caused by natural phenomena such as removal of underground minerals or by manmade activity such as underground mining.
- (103) **GROUNDWATER TABLE.** The upper surface of groundwater in the zone of saturation of a geologic formation.
- (104) **GROUP HOME.** A group home means a facility occupied by a sponsor, and a group of persons (not to exceed 12 in number) for the purpose of providing housing and specifically-related facilities.

In no event shall the total number of persons (including sponsor and sponsor's family) occupying such facility exceed sixteen (16) persons. A group home may include facilities for youth, elderly and mentally or physically handicapped.

- (105) **HAZARDOUS MATERIALS.** Those chemicals or substances which are physical or health hazards as defined and classified in the Fire and Building Codes. Hazardous materials categories include explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers and other health hazards. Each category is defined separately in the Fire and Building Codes in accordance with the Code of Federal Regulations Title 29 and other nationally recognized standards.
- (106) **HEAVY INDUSTRIAL USES.** Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. *Heavy industry* shall also mean those uses engaged in the operation, parking and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and transport terminals (truck terminals, public works yards, container storage).
- (107) **HOME OCCUPATION.** An occupation or business activity which results in a product or service and is conducted in whole or in part in a dwelling unit, and is subordinate to the residential use of the dwelling unit.
- (108) **HOSPITAL.** Any building or portion thereof used for diagnosis and treatment and care of human ailments but not including medical clinics, rest homes, convalescent homes, nursing homes and retirement homes.
- (109) **HOTEL.** A building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are five (5) or more guest rooms.
- (110) **IMPROVED ARTERIAL STREET.** That portion of an arterial street which has been totally or partially constructed to arterial street standards and accepted by the town.
- (111) **IMPROVED ARTERIAL STREET NETWORK.** The system of improved arterial streets which are interconnected and which are

defined on the town map titled Improved Arterial Streets Network maintained by the Town Engineer.

- (112) IMPROVEMENT. Any man-made, immovable item which becomes part of, is placed upon or is affixed to real estate.
- (113) INFRASTRUCTURE. Those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems, solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.
- (114) INHABITANT. A person who dwells and is domiciled in a place, as distinguished from a transient lodger or visitor.
- (115) INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A system or facility for treating, neutralizing, stabilizing, or disposing of sewage which is not a part of or connected to a sewage treatment works.
- (116) JUNK YARD (SALVAGE). An industrial use (not permitted in residential, business or commercial districts) contained within a building, structure or parcel of land, or portion thereof, used for collecting, storing or selling wastepaper, rags, scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such material or parts thereof. Junkyard shall not include a recycling facility.
- (117) KENNEL. A lot or building in which four (4) or more household pets at least six (6) months of age or older are kept commercially for board, propagation or sale.
- (118) LANDSLIDE. A mass movement of land where there is a distinct surface of rupture or zone of weakness which separates the slide material from more stable underlying material.
- (119) LAND USE STAFF: Town Staff members appointed by the Town Manager for purposes of review of land use matter, inclusive of the Town Planner, the Town Public Works Director, the Town Manager and the Town Attorney.
- (120) LICENSE. A written authorization issued by the Town Board or their authorized representative to conduct a specific business, operation or activity.
- (121) LOT. A subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development.
- (122) LOT AREA. Total horizontal area within the lot lines of a lot.

- (123) LOT, CORNER. See corner lot.
- (124) LOT DOUBLE FRONTAGE. A lot which runs through a block from street to street and which has two nonintersecting sides abutting on two or more streets.
- (125) LOT, DEPTH. The average horizontal distance between front and rear lot lines.
- (126) LOT, INTERIOR. A lot other than a corner lot.
- (127) LOT LINE. The property line bounding a lot.
- (128) LOT LINE, FRONT. The property line dividing a lot from the right-of-way of the street. For a corner lot, the shortest street right-of-way line shall be considered as the front line.
- (129) LOT LINE, REAR. The property line opposite the front lot line.
- (130) LOT LINE SIDE. Any line other than a front or rear lot line.
- (131) LOT, SINGLE TIER. A lot which backs upon an arterial highway, a major street, a railroad, a physical barrier, or a nonresidential use and to which vehicular access from the rear is usually prohibited.
- (132) LOT WIDTH. The average horizontal distance between side lot lines.
- (133) MAINTENANCE (of Paved Streets). Shall mean keeping the street free of dirt, mud, debris and any other foreign material that would constitute a safety hazard or a nuisance or cause damage to the newly constructed street, and shall also include repainting pavement markings, repairing and replacing traffic control signs and signals as necessary, and maintaining median/parkway landscaping and irrigation systems and supplying water therefore.
- (134) MAJOR ADDITION. Shall mean the extension of an existing building where the cost of the addition, not including repairs and reconstruction of the existing building, is in excess of the assessed valuation of the existing building as assessed by the county Assessor during the year immediately preceding the year in which such major addition takes place.
- (135) MANUFACTURED HOUSING/MODULAR HOME. A single family dwelling which meets the following criteria: (a) is partially or entirely manufactured in a factory; (b) is not less than twenty four (24) feet in width and thirty six (36) feet in length; (c) is installed on an engineered permanent foundation; (d) has brick, wood, or cosmetically equivalent exterior siding and a pitched roof.

- (136) MEMBRANE STRUCTURES. Tents, teepees, yurts, or similar removable pliable structure stretched over a framework.
- (137) MINERAL RESOURCE. Coal, oil and natural gas, sulfur, sand and gravel, quarry aggregate, limestone, gypsum and any other inanimate constituent of the earth, in either solid, liquid, or gaseous state which, when extracted from the earth is useable in its natural form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing or construction materials. This definition does include geothermal resources, but does not include existing water rights for domestic, agricultural or industrial purposes.
- (138) MINERAL RESOURCE AREA. An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools, or otherwise, as to be capable of economic recovery. The term includes a new find of mineral resources in any location, reopening of a previously existing operation that had been closed, an old find that has not previously been developed and an area into which an existing and ongoing mining operation expands.
- (139) MINOR SUBDIVISION: A subdivision, which meets the requirements of **Section 4.5.9(A)** of this Chapter.
- (140) MIXED USE. Shall mean the development of a lot, tract or parcel of land, building or structure with two (2) or more different uses including, but not limited to, residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.
- (141) MOBILE HOME. A structure or vehicle exceeding either eight and a half feet in width or thirty-two feet in length, without motor power, capable of being drawn by a motor vehicle, built on a permanent chassis designed for long term residential occupancy or temporary office use and containing electrical, plumbing and sanitary facilities and designed to be installed in a permanent or semi-permanent manner. "Mobile home" shall not include any recreation vehicles including camping units, travel trailers, park model trailers, campers or self-contained motor homes.
- (142) MOBILE HOME PARK. Shall mean a parcel of land which has been planned, improved or is currently used for the placement of mobile homes and contains more than one (1) mobile home lot.
- (143) MOBILE HOME SPACE. A plot of ground within a mobile home park designed for the accommodation of one mobile home.
- (144) MOBILE HOME SUBDIVISION. A residential subdivision designed for mobile homes, in which the occupants own the homes and the land. Such a subdivision shall not be included in

the definition of "Mobile Home Park" and shall be regulated under the Subdivision Regulations.

- (145) **MONUMENTS (Survey).** The actual points set on the ground to locate, delineate or describe tracts of land and/or points set to define a legal description of a tract of land.
- (146) **MUDFLOW.** A flowing mass of predominately fine grained earth material possessing a high degree of fluidity during movement.
- (147) **NATIVE VEGETATION.** Any indigenous tree, plant, or shrub adapted to soil and climatic conditions occurring on site.
- (148) **NATURAL FEATURES.** Shall mean (a) natural springs, (b) areas of topography which, because of steepness, erosion characteristics/geologic formations, high visibility from off-site locations and/or presence of rock outcroppings, and (c) view corridors which present vistas to mountains and foothills, water bodies, open spaces and other regions of principal environmental importance.
- (149) **NONCONFORMING STRUCTURE.** A lawful structure or lawful use at the time this Code, or any amendments thereto, become effective, which does not conform to the requirements of the zone in which it is located.
- (150) **NONCONFORMING USE.** Shall mean either a use which was lawful and nonconforming under prior law on the day before the effective date of this Land Use and Development Code or subsequent amendment therefore, or with respect to lands newly annexed, a use which was lawful immediately before annexation but which does not conform to the use regulations for the zone district in which such use is located either at the time of annexation or as the result of subsequent amendments to this Land Use and Development Code.
- (151) **OPEN-AIR MARKET.** Shall mean an occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and craft items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.
- (152) **OUTDOOR CAFÉ.** Shall mean that portion of a restaurant with tables located on the sidewalk or other open area in front of or adjoining the restaurant premises.
- (153) **OUTDOOR RECREATION FACILITY.** Shall mean an area devoted to active sports or recreation such as go-cart tracks, skateboard parks, miniature golf, archery ranges, sport stadiums or the like, and may or may not feature stadium-type seating.

- (154) **OUTDOOR STORAGE.** Shall mean the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.
- (155) **OUTLOT:** A lot or lots representing the remaining aggregate of unsubdivided land in those instances where large parcels of land are subject to future subdivision as part of a phased development.
- (156) **PARCEL.** A lot or tract, or contiguous groups or portions of such lots or tracts.
- (157) **PARK.** Any area that is predominately open space, used principally for active or passive recreation, and not used for a profit making purpose. Any area designated by the town as a park.
- (158) **PARK MODEL.** A park model is a unit that is dependent on an independent plumbing system (no holding tank) designed for temporary human habitation for recreational or seasonal use only, which meets all of the following criteria:
- It contains four hundred (400) square feet or less of gross floor area measured at the maximum horizontal projections.
 - It contains no holding tank for water and sewage.
 - It is built on a single chassis.
- (159) **PARKING GARAGE.** Shall mean an off-street parking area within a building.
- (160) **PARKING LOT.** Shall mean a off-street parking area or vehicular use area.
- (161) **PARKING, OFF-STREET.** Parking of motor vehicles off the public rights-of-way.
- (162) **PARKING SPACE.** A rectangular area containing not less than two hundred twenty (220) square feet and measuring a minimum width of ten (10) feet, and a minimum depth of 22' which is utilized for the parking of motor vehicles.
- (163) **PARKING STRUCTURE.** Shall mean a building or structure used to park motor vehicles.
- (164) **PERMANENT BUILDING OR RESIDENCE.** A building, manufacture/modular or individual mobile home that is connected with a foundation.

- (165) PERMIT. A written authorization made by the Town Board or their authorized agent.
- (166) PERMITTED USE. A use allowed by right in conformance with the particular Zone District.
- (167) PERSON. Any individual, firm, partnership, corporation, joint venture, company or association.
- (168) PERSONAL AND BUSINESS SERVICE SHOPS. Shall mean shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing or copy shops.
- (169) PLACE OF WORSHIP OR ASSEMBLY. Shall mean a building containing a hall, auditorium or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. Places of Worship or Assembly shall include churches, synagogues or the like, but shall not include buildings used for commercial endeavors, including, but not limited to, commercial motion picture houses or stage productions.
- (170) PLANNING and ZONING COMMISSION. The officially appointed Planning and Zoning Commission of Town of South Fork, Colorado.
- (171) PLAN, PRELIMINARY. The plat and or maps of a proposed subdivision or planned unit development and specified supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.
- (172) PLAN, SKETCH. A map of a proposed subdivision or planned unit development, drawn and submitted in accordance with the requirements of this Code, to evaluate feasibility and design characteristics at an early stage in the planning.
- (173) PLANNED UNIT DEVELOPMENT (PUD). An area of land, controlled by one or more landowners to be developed under unified control of unified plan of development for a number of dwelling units, commercial, educational, recreational or industrial uses, or any combination of the foregoing, the plan for which does or does not correspond in lot size, bulk, or type of use, density, open space, or other restriction to the existing land use regulations.

- (174) PLANNED UNIT DEVELOPMENT-ED (PUD-ED). An economic development PUD that includes a land parcel of 5 acres or more and is approved in accordance with the provisions of this Code.
- (175) PLANT NURSERY AND GREENHOUSE. Shall mean any land or structure used primarily to raise trees, shrubs, flowers or other plants for sale or for transplanting and may include the sale of nonliving landscape and decorating products.
- (176) PLAT, FINAL. A map and supporting materials of certain described land prepared in accordance with subdivision and planned unit development regulations as an instrument for recording of real estate interests with the Rio Grande County Clerk and Recorder.
- (177) PLAT, VACATED. A map indicating a proposed vacation of a dedicated street, road or easement, or a vacation of a subdivision to raw acreage.
- (178) PLOT PLAN. The map or maps of a proposed site-specific development plan drawn and submitted in accordance with the requirements of adopted regulations.
- (179) PRIVATE DRIVE. Shall mean a parcel of land not dedicated as a public street, over which a private easement for road purposes has been granted to the owners of property adjacent thereto, which intersects or connects with public or private streets, and where the instrument creating such easement has been recorded in the Office of the Clerk and Recorder of Rio Grande County.
- (180) PRIVATE SEWAGE COLLECTION SYSTEM AND/OR TREATMENT SYSTEM. A private sewage collection and/or treatment system subject to review requirements of Town of South Fork and/or the Colorado State Department of Health.
- (181) PRIVATE STREET. Shall mean a parcel of land not dedicated as a public street, over which a public access easement for street purposes has been granted to the Town, which intersects or connects with only one (1) other street, public or private, and where the instrument creating such easement has been recorded or filed in the Office of the Clerk and Recorder of Rio Grande County. The public access easement shall allow for access by police, emergency vehicles, trash collection and other service vehicles, utility owners and the public in general.
- (182) PROFESSIONAL OFFICE. Shall mean an office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants or others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists.

- (183) **PROPERTY LINE.** The boundary of any lot, parcel or tract as the same is described in the conveyance to the owner, and shall not include the public streets or alleys upon which the said lot, parcel or tract may abut.
- (184) **PUBLIC FACILITIES.** Shall mean transportation systems or facilities, parks and recreation and/or natural area program systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric utilities, gas utilities, cable facilities or other public utilities.
- (185) **PUBLIC HEARING.** A meeting called by a public body for which public notice has been given and which is held in a place in which the general public may attend to hear issues and express their opinions. Testimony is taken under oath and a transcript of the hearing is taken.
- (186) **PUBLIC USE.** Shall mean any use intended to be conducted in a facility or upon land which is owned by and operated for public use by school districts or by town, county, state or federal governments.
- (187) **PUBLIC UTILITY.** Shall mean a common carrier supplying electritown, wire telephone service, natural gas, water, wastewater or storm water service, railroads or similar public services, but shall not include mass transit or railroad depots or terminals or any similar traffic-generating activity, or any person or entity that provides wireless telecommunication services to the public.
- (188) **RADIOACTIVITY.** A condition related to various types of radiation emitted by natural radioactive minerals that occur in natural and man-made deposits of rock, soils and water.
- (189) **RADON (RADIOACTIVE SOIL GAS).** Is a colorless, odorless, tasteless, radioactive gas that occurs naturally in soil gas, underground water and outdoor air.
- (190) **RECREATION VEHICLE.** A motor home, travel trailer, truck camper, camping trailer or van or bus conversion, or park model with or without motive power, designed for human occupancy, which meets all of the following criteria:
- It contains less than four hundred (400) square feet.
 - It is built on a single chassis.
 - It is either self-propelled, truck mounted or towable on the highways with or without a special highway movement permit.

- (191) **RECREATIONAL VEHICLE, BOAT AND TRUCK STORAGE.** Shall mean the renting of space in an unroofed area for the purpose of storing any recreational vehicle, boat or truck. For the purposes of this definition, a Recreational Vehicle shall be a transportable structure that is primarily designed as a temporary living accommodation for recreational, camping and travel use including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.
- (192) **RECREATION VEHICLE PARK.** An area developed for the parking and use of recreation vehicles in an arrangement subject to Town regulations and review.
- (193) **RECREATION VEHICLE SPACE.** A parcel of land as defined in a recreation vehicle park.
- (194) **RECYCLABLE MATERIAL.** Shall mean reusable material, including, but not limited to, metals, glass, plastic and paper, which are intended for reuse or reconstitution for purposes of using the altered form. Recyclable Material shall not include refuse or hazardous materials.
- (195) **RECYCLING FACILITY.** Shall mean a building or land used for the collection and/or processing of recyclable material, Processing shall mean the preparation of materials for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.
- (196) **REGIONAL SHOPPING CENTER.** Shall mean a cluster of retail and service establishments designed to serve consumer demands from the community as a whole or a larger area. The primary functional offering is at least one (1) full-line department store. The center also includes associated support shops which provide a variety of shopping goods including general merchandise, apparel and home furnishings, as well as a variety of services, and perhaps entertainment and recreational facilities.
- (197) **REPLAT.** A revised description of a previously platted and legally approved subdivision, subject to the review procedures described in this Code.
- (198) **RESTAURANT, DRIVE-IN.** Shall mean any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle

- (199) RESTAURANT, FAST FOOD. Shall mean any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes both of the following characteristics:
- (1) food and beverages are usually served in edible containers or in paper, plastic or other disposable containers;
 - (2) the consumption of the food and beverages is encouraged or permitted within the restaurant building, elsewhere on the premises or for carryout; and
 - (3) there is no drive-in facility as a part of the premises.
- (200) RESTAURANT, STANDARD. Shall mean any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages, and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics:
- (1) customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; and
 - (2) customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.
- (201) RETAIL. Sale to the ultimate consumer for direct consumption and/or use, and not for resale.
- (202) RETAIL STORES WITH VEHICLE SERVICING. Shall mean an establishment in which vehicle parts are ordinarily sold and are ordinarily installed on the premises, to include the installation and maintenance of such parts (e.g. tire shops, auto repair shops, and muffler shops)
- (203) RIGHT-OF-WAY, PUBLIC. A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to a highway. All streets, roadways, sidewalks, alleys and all other areas reserved for present or future use by the public, as a matter of right, for the purpose of vehicular or pedestrian travel.
- (204) ROAD PROFILE. The trace of a vertical plane usually intersecting the top surface of the proposed wearing surface and usually along the longitudinal centerline of the roadbed. Profile grade means either elevation or gradient of such trace according to the context. A drawing reflecting a proposed or existing vertical section of a road, alley or other public way.

- (205) ROAD, PUBLIC. A road right-of-way or easement acquired by the Town by dedication, prescription or other legal means, but which may or may not have been accepted by a public government or agency for care and maintenance.
- (206) ROADSIDE STAND. A temporary commercial establishment operating not more than what is specified on the permit, typically involved in the sale of fruits, vegetables or products.
- (207) ROCKFALL. The rapid bounding or sliding or rolling of large masses of rocks or individual rocks.
- (208) SALVAGE YARD. See Junk Yard.
- (209) SCREENING. Opaque fencing, evergreen vegetation or earth berms maintained for the purpose of concealing from view the area behind such screening.
- (210) SEISMIC EFFECT. Direct and indirect effects caused by a natural earthquake or a manmade phenomenon.
- (211) SEMIPUBLIC USE. Shall mean uses operated by recognized religious, philanthropic, educational or other charitable institutions on a nonprofit basis and in which goods, merchandise and services maybe provided for sale on the premises.
- (212) SERVICES. Shall mean the programs and employees determined necessary by the Town to provide for the adequate operation and maintenance of its public facilities and infrastructure, including, but not limited to, those educational, healthcare, social and other programs necessary to support the programs, public facilities and infrastructure required by this Land Use and Development Code, the Town Code, the policies and administrative manuals promulgated pursuant thereto, or state or federal law.
- (213) SETBACK. Shall mean the required unoccupied open space between the nearest projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this Land Use and Development Code. Required setbacks shall be unobstructed from the ground to the sky.
- (214) SEWAGE. A combination of liquid wastes which may include chemicals, house wastes, human excreta, animal or vegetable matter in suspension or solution, other solids in suspension or solution and which is discharged from a dwelling, building, processing or manufacturing plant, institution, industrial plant or other establishment.
- (215) SEWAGE TREATMENT WORKS. A system or facility for treating, neutralizing, stabilizing, or disposing of sewage, which system or facility has a designed capability to receive two thousand gallons

of sewage per day. The term "sewage treatment works" includes appurtenances such as interceptors, collection lines, outfalls and outlet sewers, pumping stations and related equipment.

- (216) SIDEWALK: Improvements intended for pedestrian, bicycle and non-motorized traffic including sidewalks, trails, recreation paths, bike paths and similar facilities.
- (217) SIGN. A sign is any object or device or part thereof situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination, or projected images. If for any reason it cannot be readily determined whether or not an object is a sign, the Town Planner shall make such determination.
- (218) SITE SPECIFIC DEVELOPMENT PLAN. A detailed graphic representation drawn to scale of a proposed development, which depicts the specific land uses, site design and dedication requirements for the property. The site specific development plan provides information including, but not limited to, the building locations and exact footprints, parking areas and designs, ingress/egress, access and utility easements, a detailed landscape plan, and location and size of signage. The approved site-specific development plan becomes the official plan for the property and is the final site plan submitted with the request for a vesting of property rights. Physical development of the property shall be in strict conformance with the approved site-specific development plan. A final plat for a residential subdivision may constitute a site-specific development plan. (See Chapter 4.6)
- (219) SKIRTING. Metal, wood or other suitable building materials used to fully screen the area located between the surface of the ground and the frame of a mobile home or recreation vehicle.
- (220) SOLAR ENERGY SYSTEM. Shall mean a solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use.
- (221) SOLAR-ORIENTED LOT. Shall mean:
 - (1) a lot with a front lot line oriented to within thirty (30) degrees of a true east-west line. When the lot line abutting the street is curved, the "front lot line" shall mean the chord or straight line connecting the ends of the curve. For a flag lot, the "front lot line" shall mean the lot line that is most parallel to the closest street, excluding the "pole portion of the flag lot"; or

- (2) a lot which, when a straight line is drawn from a point midway between the side lot lines at the required front yard setback to a point midway between the side lot lines at the required rear yard setback, is oriented to within thirty (30) degrees of true north along said line; or
- (3) a corner lot with a south lot line oriented to within thirty (30) degrees of a true east-west line, which south lot line adjoins a public street or permanently reserved open space; provided, however, that the adjacent street right-of-way or open space has a minimum north-south dimension of at least fifty (50) feet. For the purposes of this definition, "permanently reserved open space" shall include, without limitation, parks cemeteries, golf courses and other similar outdoor recreation areas, drainage ditches and ponds, irrigation ditches and reservoirs, lakes, ponds, wetlands, open spaces reserved on plats for neighborhood use and other like and similar permanent open space.
- (222) STREET. The term "Street" means a public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, and place or however otherwise designated.
- Alley--A minor right-of-way dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which also may be used for public utility purposes.
 - Arterial Highway--Right-of way used primarily for fast or heavy traffic volumes for long distances and usually is or would be designated as a State or Federal Highway.
 - Major Thoroughfare--Right-of-way that generally carries traffic throughout the Town or across urban communities.
 - Collector--Right-of-way which collects traffic from minor streets and serves as the most direct route to a major street or community facility.
 - Minor Street--Right-of-way which is to provide access to adjacent properties and which is designed so that its use by arterial traffic will be discouraged.
 - Cul-de-Sac--A minor street having one end open to vehicular traffic and having one closed and terminated by a turnaround.
 - Marginal Access or Frontage Street--A minor street auxiliary to and located on the side of a major thoroughfare

or arterial highway for providing and controlling access to abutting properties and adjacent areas.

- (223) STREET FRONTAGE. That portion of a lot, parcel, tract or block abutting upon a street.
- (224) STRIP CENTER. Commercial, retail, or industrial development, usually one lot deep, may or may not front a major street.
- (225) STRUCTURE. Anything constructed or erected with a fixed location on the ground above grade, including a walled and roofed building or a manufactured home, but not including fence posts, poles, lines, cables, or other transmission or other distribution facilities of public utilities.
- (226) STRUCTURAL ALTERATION. Any change to the supporting members of a structure including foundations, bearing walls, partitions, columns, beams, girders or any structural change in the roof.
- (227) SUBDIVIDE: Any act which is intended to or does result in the creation of a subdivision of land.
- (228) SUBDIVIDER: A person who subdivides.
- (229) SUBDIVIDER OR DEVELOPER. Any person, partnership, joint venture, association, firm or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision or planned unit development.
- (230) SUBDIVISION. The term "subdivision" or "subdivided land" shall be defined in these regulations in the same manner that such terms are defined in CRS 1973 30-28-101, as amended or in any subsequent amendment to said statute.
- (231) SUBDIVISION or SUBDIVIDED LAND: A parcel which is divided into two or more parcels, lots, tracts or other interests including condominiums; townhouses, other common interest ownership properties; and any act creating such results. Provided, however, the following shall not be considered to be a subdivision for the purpose or application of these regulations:
 - A division of land which creates cemetery lots;
 - The creation of separate but undivided interests in a tract of land such as joint tenancy, tenancy in common, tenancy in entirety, trust, lien, mortgage, deed of trust or other security interest, unless such separate interests apply to less than all of the tracts;

- An interest serving the oil, gas, minerals or water from the surface estate;
 - Creation of a utility easement or an easement unrelated to the use of the surface;
 - Any division of property created by official acts of the Town, including but not limited to partial acquisitions and conveyances of land, partial annexations of land, easements, and public rights-of-way;
 - Boundary adjustments which resolve a disputed boundary or boundary survey problem such as overlaps or gaps, so long as the boundary adjustment or transaction does not result in the transfer from one parcel to another of an area in excess of 10,000 square feet and does not result in any violation or applicable Town Zoning Regulations.
- (232) SUBDIVISION, MAJOR. Any subdivision that does not meet the requirements of a minor subdivision.
- (233) SUBDIVISION, MINOR. Ten (10) or less lots of less than thirty five (35) acres each which do not require improvements at Town expense (sewer, water works, roads, etc.).
- (234) SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:
- Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 - Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (235) SUITABLE SOIL. A soil which will act as an effective filter in the removal of organisms and suspended solids which is without a visible jointing pattern of the bedrock below which would effectively lessen its filtering action; and which meets the percolation test requirements

- (236) SUPERMARKET. Shall mean a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not less than twenty-five thousand one (25,001) square feet.
- (237) TEMPORARY STRUCTURE. A structure without any foundation or footing and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
- (238) TOWNHOUSE. A multi-unit dwelling with the land under each unit being a separate lot which is retained in the same ownership as the dwelling unit.
- (239) TRACT. A portion of land, usually not platted, delineated by a metes and bounds description.
- (240) TRANSIT FACILITY. Shall mean bus stops, bus terminals, transfer points or train depots without repair or storage facilities.
- (241) TRANSPORTATION PLAN: That portion of the Town's Comprehensive Plan, which establishes the location, chapter and size of streets or other public ways. "Transportation Plan" may also be referred to as "Street Plan" or "Thoroughfare Plan".
- (242) TRUCK STOP. Shall mean an establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers or restaurant facilities primarily for the use of truck crews.
- (243) TRUCK TERMINAL. Shall mean an area or building where cargo or containers are stored and where trucks load and unload cargo or containers on a regular basis. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks or buildings or areas for the repair of trucks associated with the terminal.
- (244) UNLIMITED INDOOR RECREATIONAL USE AND FACILITY. Shall mean establishments primarily engaged in operations and activities contained within large-scale gymnasium-type facilities such as for tennis, basketball, swimming, indoor soccer, indoor hockey or bowling.
- (245) UNLISTED USES. Land uses that are not identified in a land use table are termed "unlisted uses" and are subject to the Conditional Use Review process as described herein.

- (246) UNSTABLE OR POTENTIALLY UNSTABLE SLOPE. An area susceptible to a landslide, a mudflow, a rock fall, or accelerated creep of slope-forming materials.
- (247) USABLE BUILDING SITE. A land area not located under lakes or streams, with no gullies or other topographic features that would limit construction and with suitable drainage for building construction.
- (248) USABLE OPEN SPACE. Land, including outdoor recreation areas, driveways that do not serve three (3) or more parking spaces, and underground facilities, which is free of building, structure and other substantial improvements, but excluding public or private rights-of-way for street or highways, roofs, open parking areas, parking garages and slopes in excess of twenty-five (25) percent.
- (249) USE. The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.
- (250) USE, ACCESSORY. A subordinate use which is customarily incidental to the principal building or to the principal use of the lot.
- (251) USE, CONDITIONAL. A use which may be permitted in a zone district upon favorable action by the Town Board.
- (252) USE, NONCONFORMING. A use which lawfully occupied a building or land at the time these Regulations or an amendment hereto became effective and which does not now conform with the use regulations applicable in the zone district in which it is located.
- (253) USE, PRINCIPAL. The main use of land or structures as distinguished from a subordinate or accessory use.
- (254) USE, REGULATIONS. The provisions of these Regulations which identify permitted and conditional uses, impose use limitations, require adherence to performance standards and regulate accessory uses.
- (255) USE, TEMPORARY. A use which, by nature and intent, exists for a time determined by the Town Board.
- (256) VACATED. A legal action, granted by the Town Board, that formally removes a road or easement from an approved plat or property. As used herein, the terms "road" and "easement" shall be deemed to include any and all parcels upon which there has been legally sufficient acceptance of said dedication by the public or authorized agents, representatives, or officials thereof.
- (257) VARIANCE. A minimum easing of the terms of these Regulations where such easing will not be contrary to the public interest or to

the INTENT AND PURPOSE of these Regulations and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Regulations would result in unnecessary and undue hardship and the conditions or situation is not of so general or recurrent a nature as to make reasonable and practical the formulation of an amendment containing a general regulation for such condition or situation.

- (258) VEHICLE MAJOR REPAIR, SERVICING AND MAINTENANCE. Shall mean any building, or portion thereof, where heavy maintenance activities such as engine overhauls, automobile/truck painting, body or fender work, welding or the like are conducted.
- (259) VEHICLE MINOR REPAIR, SERVICING AND MAINTENANCE. Shall mean the use of any building, land area, premises or portion thereof, where light maintenance activities such as engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing or the like are conducted.
- (260) VEHICLE RENTALS FOR CARS, LIGHT TRUCKS AND LIGHT EQUIPMENT. Shall mean the use of any building, land area or other premises for the rental of cars, light trucks and/or light equipment.
- (261) VEHICLE RENTALS FOR HEAVY EQUIPMENT, LARGE TRUCKS AND TRAILERS. Shall mean the use of any building, land area, or other premises for the rental of heavy equipment, large trucks or trailers.
- (262) VEHICLE SALES AND LEASING FOR CARS AND LIGHT TRUCKS. Shall mean the use of any building, land area or other premises for the display and sale or lease of any new or used car or light truck, and may include outside storage of inventory, any warranty repair work or other repair service conducted as an accessory use.
- (263) VEHICLE SALES AND LEASING FOR FARM EQUIPMENT, MOBILE HOMES, RECREATIONAL VEHICLES, LARGE TRUCKS AND BOATS WITH OUTDOOR STORAGE. Shall mean the use of any building, land area or other premises for the display and sale or lease of new or used large trucks, trailers, farm equipment, mobile homes, recreational vehicles, boats and watercraft, and may include the outdoor storage of inventory, any warranty repair work or other repair service conducted as an accessory use.
- (264) VESTED PROPERTY RIGHT. The right to undertake and complete the development and use of the property under the terms and conditions of a Site Specific Development Plan.

- (265) VETERINARY FACILITIES; HOSPITAL. Shall mean any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases.
- (266) VETERINARY FACILITIES; SMALL ANIMAL CLINIC. Shall mean any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.
- (267) VETERINARY FACILITIES; SMALL ANIMAL HOSPITAL. Shall mean any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is permitted.
- (268) VISION CLEARANCE AREA. A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in the Regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines and intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no plantings, walls, structures or temporary or permanent obstructions exceeding three and one-half (3 1/2) feet in height measured from the top of the curb or existing grade.
- (269) WALKWAY. Shall mean an off-street pedestrian path.
- (270) WAREHOUSE AND DISTRIBUTION. Shall mean a use engaged in storage, wholesale and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, and including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions, and where the [products, supplies or equipment that are distributed from the facility are not used or consumed on the premises.
- (271) WETLAND. Shall mean any land that qualifies as a “wetland” pursuant to the Federal Clean Water Act.
- (272) WILDFIRE HAZARD. A wildfire phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property.

- (273) WILDFIRE HAZARD PRONE AREA. An area containing or directly affected by a wildfire hazard, and which is identified and mapped by the Colorado State Forest Service.
- (274) WIRELESS TELECOMMUNICATION EQUIPMENT. Shall mean any equipment used to provide wireless telecommunication service, but which is not affixed to or contained within a wireless telecommunication service facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose.
- (275) WIRELESS TELECOMMUNICATION FACILITY. Shall mean any freestanding facility, building, pole, tower or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunications services.
- (276) WIRELESS TELCOMMUNICATION SERVICES. Shall mean services providing for the transmission of wireless communications utilizing frequencies authorized by the Federal Communications Commission for paging systems, enhanced specialized wireless telecommunication, personal communication services and cellular telephone.
- (277) WORKSHOP AND CUSTOM SMALL INDUSTRY. Shall mean a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, custom car or motorcycle restoring or similar uses.
- (278) YARD. An open space on a lot that is unobstructed from the ground upward except as otherwise provided in these Regulations.
- (279) YARD, FRONT. A yard extending the full width of the lot and situated between the street line and the required front setback line.
- (280) YARD, REAR. A yard extending the full width of the lot and situated between the rear lot line and the required rear setback line.
- (281) YARD, SIDE. A yard extending between the required side setback line and the adjacent side line of the lot and extending from the required front setback line to the required rear setback line.
- (282) ZERO LOT LINE. Shall mean a structure with at least one (1) wall conterminous with the lot line, which wall may include footings,

eaves and gutters that may encroach onto the adjacent lot under the authority of an encroachment and maintenance agreement.

- (283) **ZONE DISTRICT.** Any section or sections of the town for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform.
- (284) **ZONING MAP.** Shall mean the official zoning map adopted by the Town by ordinance.

4.1.3: Amendment to the Official Zoning Map

For the purpose of establishing and maintaining sound, stable and desirable development within the Town, changing the zone designation of some parcels of land is encouraged but as a statement of policy the indiscriminate changing of zone designation of land is to be discouraged. Changing the zone designation should be considered only if:

- (1) The land for which a zone change was in error and as presently designated is inconsistent with the policies and goals of the Town of South Fork; or,
- (2) The area for which a zone change is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area; or,
- (3) The proposed zone change is necessary in order to provide land for a use which was not anticipated at the time of the adoption of the Town of South Fork Land Development Code, and that such zone change will be consistent with the policies and goals of the Town of South Fork;

Any and all amendments to the text of this Land Use and Development Code and any and all changes to the Zoning Map must be processed in accordance with this Section of **Title 4, Chapter 1**. Commencing one (1) year after the effective date of this Code, amendments to the Zoning Map shall be processed only twice per calendar year and shall be considered by the Planning and Zoning Board in March or April and in September or October of each year; provided, however, that this limitation shall not apply to petitions for amendments to the Zoning Map initiated by the owners of properties who are seeking annexation and/or Major Subdivision development, or to Zoning Map amendments which are founded upon the adoption and implementation of a subarea plan. Only the Town Board may, after recommendation of the Planning and Zoning Board, adopt an ordinance amending the text of this Land Use and Development Code or the Zoning Map in accordance with the provisions of this Section.

4.1.3.1. Minimum Size of Parcel

No amendment changing the zone classification of any lot, parcel or tract of land shall be adopted unless such lot, parcel or tract has a minimum of one hundred fifty (150) feet of frontage on a public street, or has a minimum of one (1) acre of area, or abuts on a lot, parcel or tract of land that has the same zone classification as that which is proposed for the property which is the subject of the proposed amendment, or if it is in public interest to encourage a zone change.

4.1.3.2. Approval of Amendment to Zone Map

In granting an amendment to the zone map upon application by a property owner or authorized agent, the Town Board may require the dedication of additional street rights-of-way where an officially adopted street plan indicates need for increased width or where the nature of the proposed development warrants increased street width. The Town Board may require permanent screening or other devices to minimize conflict with residential zone.

4.1.3.3. Records of Amendments

The Town Board shall maintain a record of amendments to the text and map of this Code in a form convenient for the use of the public.

4.1.3.4. Zone District Change

All approved amendments to the Zone District Map shall be made a permanent part of said map.

4.1.3.5. Planning and Zoning

The Planning and Zoning Commission will hold a public hearing on the proposed amendment to change the Zone District with the following special conditions required:

- (1) A notice of said hearing shall be published in a newspaper of general circulation within the Town at least fifteen (15) days prior to the hearing date, or in the manner and form required by statute for a land use resolution or amendment.
- (2) A written notice of said hearing shall be sent by first class mail with a certificate of mailing, at least fifteen (15) days prior to the hearing date, to the property owners listed in **Chapter 1, Section 4.7.2(2)**.
- (3) The Planning and Zoning Commission shall within thirty (30) days after the public hearing within such time as is mutually agreed by the Planning and Zoning Commission and the applicant, either recommend approval of the application, in whole or in part, with or without modifications and conditions, or recommend denial of the application to the Town Board

4.1.3.6. Town Board

The Town Board shall vote on all recommendations for proposed Zone District change amendments after receiving a written report of recommendations from the Planning and Zoning Commission.

Any person applying to the courts for a review of any decision made by the Town Board shall apply for review within thirty (30) days after the date of decision and shall be required to pay the cost of preparing a transcript of proceedings and the application for review shall be in the nature of certiorari under Rule 106 (a)(4) of the Colorado Rules of Civil Procedure. The Town shall be entitled to appeal any decision of the District Court under said Rule 106 proceedings.

4.1.3.7: Amendments to Land Use Code

4.1.3.7.1. Authorization to Initiate Amendments and Approvals

An application for an amendment to the Land Use and Development Code or Zone District Map may be filed by an owner of a legal interest in the property located within the Town and shall be made on a form provided by the Town.

Any amendment to the text of this Code or to the Zone District Map may also be initiated by the Town Board, the Land Use Administrator, The Town Manager, or by the Planning and Zoning Commission.

Amendments to this Code and approval of requests shall be in accordance with the laws of the State of Colorado which require the following action before adoption of any such amendment:

- (1) Study and recommendation on the proposed amendment by the Planning and Zoning Commission.
- (2) Completion of a public hearing before the Town Board.

4.1.3.8: Language Change

Any proposed language change in this Land Use and Development Code shall be reviewed to determine if the change improves this Code, procedures and standards and is in keeping with the Master Plan.

4.1.3.8.1: Requirement for Land Use Permits and Certificates of Occupancy

No building shall be erected, moved or structurally altered unless a Building Permit has been issued by the Land Use Administrator. All permits shall be issued in conformance with the provisions of this Code

and shall be valid for a period of time not exceeding one (1) year from the date of issuance.

No land or building shall be changed in use, nor shall any new structure, building or land be occupied or used, unless the owner (or the owner's contractor, if any) shall have obtained a Certificate of Occupancy from the Land Use Administrator. If the use is in conformance with the provisions of this Land Use and Development Code, a Certificate of Occupancy shall be issued within three (3) days of the time of notification that the building is completed and ready for occupancy. A copy of all certificates of occupancy shall be filed with the Land Use Administrator and shall be available for examination by any person with either proprietary or tenancy interest in the property or building.

It shall be unlawful to erect, construct, reconstruct, alter, or change the use of any building, including prefabricated buildings moved on site or other structures and developments including roads, dams, canals, land leveling, electronic devices, and signs without first obtaining a Town of South Fork Land Use Permit, except as follows:

- (1) The addition of solar collectors, air conditioning, satellite dishes and like appurtenances to existing buildings.
- (2) Construction and maintenance of dikes, irrigation ditches, land leveling, and like activities which are a part of accepted farming practices.
- (3) Internal and external maintenance of existing buildings, (roofing, painting, residing, etc.)
- (4) Signs as provided in **Title 4, Chapter 3**
- (5) Fences under six foot in height.
- (6) Temporary structures.

4.1.3.8.2. Purpose of Land Use Permits

Land Use Permits, when required, are for the purpose of enforcement of land use and subdivision regulations, but may also be used to enforce any construction codes that may be adopted by the Town Board. Enforcement may include the denial of permits for nonconforming buildings and follow up inspection of permits that are issued to insure compliance with Regulations.

4.1.3.8.3. Temporary Uses Permitted

The following uses of land are permitted in each Zone District (unless restricted to particular Zone Districts) subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted. A permit is required.

- (1) Christmas tree sales shall be allowed in all Zone districts except in Residential Zone Districts on lots of one (1) acre or less for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the setback requirements of these Regulations provided that no tree shall be displayed within thirty (30) feet of the intersection of the right of way line of any two (2) streets.
- (2) Contractors' office/living quarters and equipment sheds accessory to a construction project, and to continue only during the duration of such project.
- (3) Real estate offices incidental to a new housing development shall be permitted at the discretion of the Town Board.
- (4) Auctions, flea markets, carnivals, circuses, bazaars and other amusement activities, provided they do not continue more than ten (10) consecutive days and obtain any permits required by law.

4.1.3.8.4. Administration of Land Use Permits

- (1) Land Use permits will be issued by the Town Planner or other person authorized by the Town Board.
- (2) The Town Board will fix a reasonable schedule of fees for the issuance of such permits. The schedule of fees should approximate the cost of permit approval and administration and may also reflect the cost of the structure permitted to the extent that it requires a greater degree of permit administration.
- (3) Inspections will be conducted by the Town Planner or other person authorized by the Town Board to the extent necessary to assure compliance with this Code.

4.1.3.9: Enforcement & Administration

In order to carry out the provisions of this Code, the following administrative duties are delegated to the Planning and Zoning Commission, the Board of Adjustment and the Town staff.

4.1.3.9.1. Responsibilities of Town Staff

All departments, officials and public employees of the Town of South Fork, vested with the authority to issue permits, will conform to the provisions of this Code and shall not issue permits, certificates or licenses for uses, buildings or premises in conflict with the provisions of this Code. Any such permit, certificate or license issued in conflict with the provisions of this Code will be null and void. It will be the duty of the Town Manager appointed by the Town Board to enforce the provisions of this Code.

4.1.3.9.2. Responsibilities of Planning and Zoning Commission

The Planning and Zoning Commission shall be the land use planning group for the Town. The Planning and Zoning Commission will serve as an investigative and advisory group to the Town Board in the administration of this Code, including preparation of needed amendments and additions to this Code. It may also advise the Board on any other land use decisions when requested to do so by the Board.

The Planning and Zoning Commission will use the standards set forth in this Code when considering all matters brought before it for review.

4.1.3.9.3. Responsibilities of Town Board

The Town Board in addition to all other powers and duties has responsibility to hold in a timely manner, and to render final decisions on matters relating to land use and subdividing of land.

4.1.3.9.4. Responsibilities of Board of Adjustment

The Board of Adjustment shall hear all applications for variances and appeals presented to it for review. The Board will hold a public hearing and grant or deny variances from the provisions of this Code based on the powers set forth in this Code.

4.1.3.9.5. Board of Adjustment Hearings, Appeals and Notices

Appeals to the Board of Adjustment may be made by any person aggrieved by any administrative decision based upon or made in the course of the administration or enforcement of the provisions of this Land Development Code. Appeals to the Board of Adjustment may also be made by any officer, department, board or bureau of the Town of South Fork affected by any decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of this Land Use and Development Code. The time within which such appeal must be made and the form or other procedure relating thereto, shall be as specified in the rules of procedure adopted by such Board.

Appeal:

- (1) Form of Appeal. Any person entitled to service under **Section 4.1.3.9.5** may appeal from any Notice and Order or any action of the official under this code by filing at the office of the Town Clerk a Written appeal containing:
 - (a) A heading with the words: "Before the Board of Adjustment of the Town of South Fork, Colorado."

- (b) A caption reading: "Appeal of" giving the names of all appellants in the appeal.
- (c) A brief statement setting forth the legal interest of each of the appellants in the building or land involved in the Notice and Order.
- (d) A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
- (e) A brief statement in ordinary and concise language of the relief sought and the reasons, which it is claimed the protested order of action should be reversed, modified, or otherwise set aside.
- (f) The signature of all parties named as appellants and their official mailing address.
- (g) The verification (by declaration under penalty of perjury) of At least one appellant as to the truth of the matters in the appeal.
- (h) The appeal shall be filed 30 days from the date of service of such Notice and Order or other action of the Town official; provided, however, that if the building or structure is declared by an authorized official to be in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with **Section 4.1.3.9.1** such appeal shall be filed within 10 days from the date of the service of the Notice and Order of the authorized official.
- (i) Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the Town official shall present it at the regular or special meeting of the Board of Adjustments.

4.1.3.9.6. Non-Liability for Damages

The Land Use and Development Code shall not be construed to hold the Town of South Fork in any manner responsible for any damages to persons or property resulting from any inspection as herein authorized or resulting from any failure to so inspect, or resulting from the issuance or denial of a land use permit as herein provided, or resulting from the institution of court action as hereinabove set forth or the forbearance by the Town of South Fork to so proceed.

4.1.3.9.7. Non-Liability of Officials

Any Town Official agent or employee, charged with the enforcement of the Town of South Fork Land Development Code, acting in good faith and without malice on behalf of the Town in the discharge of official duties, shall not thereby render such official personally liable for any damages which may accrue to persons or property resulting from any such act or omission committed in the discharge of such duties. Any suit or proceeding instituted against such official agent or employee, stemming from any act or omission performed by such official in the enforcement or attempted enforcement of any provision of this Code, shall be defended by the legal officer(s) of the Town until final termination of the proceedings.

4.1.3.9.8. Land Use Enforcement

- (1) The Town Board may provide for the enforcement of the land use or supplementary regulations by means of the withholding of land use permits. It shall be unlawful to erect, construct, reconstruct, alter or change the use of any building, other structure, or development within the incorporated town boundary covered by such land use or general regulations without obtaining a land use permit from the Town of South Fork. The Town Land Use Administrator shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all sections of this code and general regulations then in effect.
- (2) It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any regulation or any provisions of, any land use or general regulations of this Land Development Code, or any amendments thereto.
- (3) Any person, firm or corporation violating any such regulation, provision or amendment shall be subject to actions and penalties set forth in **CRS 30-28-124**, or any other current applicable Colorado Revised Statute and any other legal action provided by appropriate law.
- (4) The Town Land Use Administrator or authorized representative is authorized to enter upon private property for the purpose of administering this Land Development Code. The owner of the property shall give the Town Land Use Administrator free access after the Town of South Fork has given reasonable notice for any survey or inspection. If access is denied, the Town Land Use Administrator may apply to the District Court of Rio Grande County for an order authorizing entry. If a violation shall be found to exist, the Town Land Use Administrator or authorized representative shall give written notice to the violator to correct such violation, ***(regarding public safety and health issues, violations must be corrected immediately)*** all other violations within thirty (30) days after the date of such notice. Should the

violator fail to correct the violation within specified period, the Town Land Use Administrator or authorized representative may issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator. The summons and complaint shall require that the violator appear in Municipal Court at a definite time and place stated on the summons to answer and defend the charge. One copy of said summons and complaint shall be served upon the violator by the duly authorized officer in the manner provided by law for the service of a criminal summons. One copy shall be retained by the Town Land Use Administrator, and one copy shall be transmitted to the Clerk of the Municipal Court.

- (5) Notwithstanding the foregoing, the issuance of a written notice as specified in the paragraph next above shall in no way or manner be deemed a prerequisite to the institution of any enforcement proceedings set forth herein; and provided further, that compliance with such written notice shall not necessarily be deemed to be a defense to any alleged violation of this Land Use and Development Code in any court action instituted seeking full compliance therewith, but evidence of compliance with such order may be introduced as matter in mitigation and extenuation.

4.1.3.9.9. Cumulative Effect

The foregoing remedies and enforcement provisions shall be cumulative and not exclusive and shall be in addition to any other remedies and enforcement provisions provided by law.

4.1.3.10: Submittal Requirements for all Applications Under this Code

4.1.3.10.1. Application Requirements

All required documents along with all required fees must be submitted on or before the set submittal date of the applications. If the documents are to be recorded by the Town, the appropriate recording fees must be paid at the time of submittal. Payment of recording fees will be by separate check made out to the Rio Grande County Clerk and Recorder.

Each and every application under this Code will include, or be accompanied by, the following information:

- (1) The name, mailing address, street and telephone numbers of:
 - (a) The applicant for the permit.
 - (b) The owner of the property upon which the improvement or use is to take place if different than the applicant.

- (c) Any agents authorized to act on behalf of the owner or the applicant.
- (d) Any contractor retained or to be retained to accomplish any portion of the improvement if available.
- (2) Proof of ownership of the property in question and concurrence in the purpose of the application by the owner.
- (3) Legal description of the property in question, to include: survey number, tract number or other recorded identifying number of the parcel.
- (4) Current Zone District classification of the parcel.
- (5) A copy of a certified survey plat, or a sketch plan, depicting the relative location of existing and proposed improvements, buildings, structures, roads, driveways, parking, ditches, utilities, fences, and other significant features, survey corners, and or easements.
- (6) A written description of the nature of the planned improvement if any.
- (7) Architect's drawings or engineer's drawings, floor plans and diagrams as may be required by the Uniform Building Code and related codes as adopted.
- (8) Proof that a request for a driveway permit has been submitted to the Colorado Department of Transportation or to the Rio Grande County, if a new access road or driveway to the property intersects with a state highway or a county road. A driveway permit must be approved before a driveway may intersect with a Town street.
- (9) All submitted documents must contain required signatures. A document marked "Preliminary" or "For Review Only" may be submitted prior to submittal of a signed document.
- (10) If the application is for a zone change, a narrative justifying and describing the reason for the change should be included with the application. If the application is for a home occupation or special use permit, describe the hours of operation and any modifications to the structure and outdoor activity.

4.1.3.10.2.Sketch Plan

If the application is for a subdivision, Mobile home park, RV park, or Planned Unit Development (**PUD**), a sketch plan will be submitted. The following information will be provided in a sketch plan submittal.

- (1) Name of the sketch plan.
- (2) Name, address and phone number of applicant.
- (3) Name, address and phone number of preparer of plan if different from applicant.
- (4) Date of preparation, north arrow and indication of approximate scale.
- (5) Boundary lines of plan with approximate lengths of lines.
- (6) Location of water courses if any, with direction of flow indicated or a general indication of direction of drainage if no water courses exist.
- (7) Location of existing and proposed streets and parking area on and adjacent to the plan area.
- (8) Location and size of land uses and size of total plan area.
- (9) Number of proposed dwellings and indication of the size of any other use.
- (10) Vicinity map to locate project area.
- (11) Outline of any structure.
- (12) Indication of number of dwelling units and use in each structure and parking spaces in each lot.

4.1.3.10.3.Preliminary Plat or Plan

The following information will be submitted for each preliminary plat or plan.

4.1.3.10.3.1.Format

The preliminary plat or plan will conform to the following:

- (1) The scale for the preliminary plat or plan will adequately represent all information (1" = 50' minimum).
- (2) A preliminary plat or plan map will be a minimum of 24" x 36".
- (3) Contour intervals will be no greater than two (2) feet within the plan area.
In critical areas, accuracy will be no greater than 1 foot contour interval.

4.1.3.10.3.2.Information Required on a Preliminary Plat or Plan

- (1) Name of subdivision or development.
- (2) Name, address and phone number of person, corporation, or organization preparing the preliminary plat or plan, including the name of the registered professional surveyor if a subdivision.
- (3) Name, address and phone number of the applicant.
- (4) Name and address of property owners within, surrounded by, and adjacent to the plan area, and name of adjacent subdivisions.
- (5) General legal description by quarter section, section, township and range. Description will include approximate survey tie to an accepted survey monument.
- (6) Date of preparation, north arrow and a written and graphic scale.
- (7) Vicinity map to locate the plan.
- (8) Boundary lines of the plan showing approximate length of lines.
- (9) Approximate location, right-of-way, width, functional classification, and names of existing and proposed streets.
- (10) Approximate location, functional classification and dimensions of all existing and proposed streets adjacent to the plan area. Typical cross section may be used.
- (11) Approximate location, length, width, and type of any non-street transportation link (e.g. path, bikeway, trail, railroad, etc.)
- (12) The approximate location, dimension area of each lot or parcel of land located within and adjacent to the plan area. The information for lots within a subdivision may be presented in a table.
- (13) Location and use of, proposed watercourses, or changes in use or location of existing watercourses. The location of proposed or existing bodies of water. The 100 year flood plain will be identified. In areas where flood plain mapping has not been completed, the flood plain will be identified to a detail of one (1) foot. Where applicable, the Town flood plain regulations, including the Town adopted rainfall standard, apply.
- (14) Proposed roads and utility facilities which will require extension to the boundary of the subdivision or development.
- (15) Present Zone Districts and any proposed changes with boundary lines shown.

- (16) Any parcel of land within the plat or plan boundary which is not owned by the applicant on the submittal date with written evidence that such owner is aware of the proposal.
- (17) Supplemental information will include:
 - (a) General drainage statement and erosion control plan.
 - (b) Proposed method of guaranteeing public improvements.
 - (c) Relative percentages and acreage of proposed land uses and total population at completion.
 - (d) Notification from each utility or other agency that provides services or has facilities affected by the proposal. The notification will advise the Town of agency or utility approval, recommended changes or recommended denial of the application.
- (18) Written statements concerning general planning considerations to include, but not limited to, the following:
 - (a) A statement regarding the on-site and off-site effect of storm water run-off.
 - (b) An evaluation of the consequence of traffic generated by the proposed subdivision or development.
 - (c) A statement concerning the compatibility of the plan to the South Fork Master Plan.
- (19) If the application is for an annexation, a statement should be added that reviews the impact of the proposed annexation on the Town. This statement should contain expected population changes and rationale for applicant's need for Town services as well as other pertinent impact information.
- (20) If the application is for a Zone District change, include a written justification containing such information as why conditions require the proposal.
- (21) If the preliminary plan or plat is for a PUD or Land Use Permit, include the following:
 - (a) The proposed finished grade of the designated area, shown in contour intervals of not to exceed one (1) foot.
 - (b) The location of each existing and each proposed structure in the PUD area, the use or uses to be contained therein, the number of stories high, gross floor area and approximate location of entrances and loading points.

- (c) The location of all outside facilities for recycling and waste disposal.
- (d) All curb cuts, private driving lanes, parking areas, loading areas and public transportation points.
- (e) All pedestrian walks and open areas for use by tenants or members of the public.
- (f) The location and height of all walls, fences, landscape planting and group mail boxes.
- (g) The location, size, height and orientation of all signs.
- (h) The types of surfacing, such as paving, turf or gravel, to be used at the various locations.
- (i) The location of fire hydrants.
- (j) Lighting locations, noting height, lumens, area of illumination, and shielding, if needed.

4.1.3.10.4: Final Plat or Plan

4.1.3.10.4.1.Format

A registered professional surveyor will prepare the final plat or plan with permanent India ink or using a photographic process on a linen or polyester (mylar) film. The plat will be prepared according to the laws of the State of Colorado.

- (1) Size of sheet: 24" x 36" and a 8.5" x 11" plan reduction.
- (2) Scale: will be an engineer's scale and no smaller than 1" = 100'.
- (3) If more than one sheet is used, all sheets will be indexed and contain an index map showing the relationship of the sheet to the whole. Each sheet will show the scale, date of the survey, north point, and name of the subdivision or development.
- (4) Final plats must not contain extraneous information not required on a final plat.

4.1.3.10.4.2:Information to be Shown on the Plat or Plan

- (1) Name of the subdivision or development.
- (2) Name and address of owner or owners of record.

- (3) Name of Town, County and State.
- (4) Total acreage and total number of lots.
- (5) Location and description referenced by quarter section, section, township and range; if said description contains references to recorded documents, said information will be indicated on the map.
- (6) Date of preparation, north arrow, written and graphic scale.
- (7) Certification statements, to include (*see Article 9 for examples*):
 - (a) Certification of dedication, ownership and maintenance.
 - (b) Certification of approval by the Town Board and by signature of the Mayor.
 - (c) Certification by the Clerk and Recorder.
 - (d) Certification of survey by a registered professional surveyor that will follow the laws of the State of Colorado.
 - (e) Certification of the Chairperson of the Planning and Zoning Commission.
- (8) An accurate and complete boundary survey of the land will be completed in compliance with the laws of the State of Colorado.
- (9) The exact location and width of all existing or recorded streets, right-of way and easements adjacent to the boundaries of the subdivided tract will be indicated by a dashed line and adjacent subdivisions and streets identified by official names.
- (10) The length, width, location and names of all proposed or existing streets, alleys, greenways, bikeways, paths, trails, and other transportation links. Centerline data or right-of-way data for all curves will be indicated on the plat or plan.
- (11) All easements (existing or proposed) and utility rights-of-way will be clearly labeled, identified, dimensioned, and tied to reference points and will be shown by fine dashed lines. Existing easements will bear notation of dedication or conveyance. If any easement of record cannot be definitely located, a statement of the existence, the nature, and the easement's record reference will be placed in the note section.
- (12) All lots and blocks will show dimensions, boundaries, and to the extent possible, numbered consecutively. Excepted parcels (parcels not a part of the subdivision) will be marked and dimensioned and include the statement "not included." Lots which

require special studies for development or which present significant hazards to development will be indicated by letter and limitations placed in the note section.

- (13) Parcels other than lots, streets, or easements will be designated by letter with dispositions indicated in the note section. Location of land intended to be conveyed or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision will be shown. Public tracts will be dedicated by a statement on the plat or plan; responsibility of maintenance of all other tracts will be noted.
- (14) The 100 year flood plain, watercourses and bodies of water will be delineated on the plat or plan. No lots will be located in the flood plain except to the extent that development conforms with the existing Town regulations and lots with limitations identified on the plat or plan.
- (15) Supplemental information to submit with the final plat or plan:
 - (a) The applicant will supply to the Town evidence of good title vested in the applicant. The evidence may consist of a title insurance commitment or policy issued by a title insurance company or an attorney's opinion of title, certified to a date not more than thirty (30) days prior to the submittal of the final plat or plan to the Town, showing the name of the owner(s) of the land and all other persons who have an interest in, or encumbrance on, the property described on the final plat or plan. The applicant will cause to be joined on said filing plat or plan those parties necessary to give unencumbered fee simple title to all public lands contained therein. As an alternative, such other parties may subordinate their interest to the dedication of public lands contained therein by a notarized ratification statement.
 - (b) Construction plans: If any public improvements (roads, bridges, culverts, utilities etc.) are required, construction drawings will be prepared by a registered, professional engineer, licensed in the State of Colorado and submitted to the Town for approval, together with a complete construction schedule prior to commencement of work. Failure to gain approval prior to construction may lead to non acceptance of the improvements.
 - (c) Drainage Plan: A drainage plan will be submitted at the time construction plans are submitted and will be prepared by a registered professional engineer.

- (d) Collateral suitable to guarantee public improvements is required. This may be a cash bond, irrevocable letter of credit or an appropriate surety bond.
 - (e) Subdivision improvements agreement and estimate of guaranteed funds are required.
- (16) If the final plat or plan is for a PUD, add the following:
- (a) The proposed finished grade of the designated area, shown in contour intervals of not to exceed one (1) foot.
 - (b) The location of each existing and each proposed structure in the PUD area, the use or uses to be contained therein, the number of stories, gross floor area and approximate location of entrances and loading points.
 - (c) The location of all outside facilities for waste recycling and disposal.
 - (d) All curb cuts, private driving lanes, parking areas, loading areas and public transportation points.
 - (e) All pedestrian walks and open areas for use by tenants or members of the public.
 - (f) The location and height of all walls, fences and landscape planting; group mail boxes and the location, size, height and orientation of all signs.
 - (g) The types of surfacing, such as paving, turf or gravel, to be used at the various locations.
 - (h) The location of fire hydrants.
 - (i) Lighting location, noting height, lumens area of illumination and shielding, if needed.
 - (j) Landscape material listed by species, caliper if appropriate and average height.
 - (k) Dedication statement for public safety easement, if required.

4.1.3.10.4.3.As Built Plan

Upon completion of all utility improvements shown on a final plat, plan or construction plan, an As Built Plan prepared by a land surveyor registered in the State of Colorado must be submitted to the Town for its records.

4.1.3.10.4.4.Digital Plan

All submittals of a final plat, plan or an As Built Plan must be accompanied by a digitized version of the same document. The digitized document must be compatible with the systems used by the Town and County.

4.1.4: Review Procedures

4.1.4.1. All Applications

Applicant must submit an application containing all information required by **Chapter 1, Section 3.10** and payment of the appropriate fee. The staff will review the submittal to determine completeness. If complete, the application will be processed; if not, applicant will be requested to complete the application. When complete, the following procedures will be followed.

4.1.4.2. Language and Text Changes

The same procedures as put forth for Zone District change which follows in **Chapter 1, Section 3.1** are to be applied, except that property owners will not be notified of a text change unless the change relates to a specific parcel. All submittals for a change in the text of this Code must contain the following information, the name, mailing address and telephone numbers of the applicant, authorized representative if any; the exact language change proposed and a statement justifying the change.

4.1.4.3: Zone District Change

All approved amendments to the Zone District Map shall be made a permanent part of said map.

4.1.4.3.1. Planning and Zoning

The Planning and Zoning Commission will review proposed amendment to change the Zone District required: Make recommendations to the Town Board

4.1.4.3.2. Town Board

The Town Board shall hold a public hearing on all proposed Zone District change amendments after receiving a written report of recommendations from the Planning and Zoning Commission.

- (1) A notice of said hearing shall be published in a newspaper of general circulation within the Town at least thirty (30) days prior to the hearing date, or in the manner and form required by statute for a land use resolution or amendment. An adequate record of the hearings shall be maintained.

- (2) A written notice of said public hearing before the Town Board shall be sent by first class mail with a certificate of mailing, at least fifteen (15) days prior to the hearing date, to the property owners listed in **Chapter 1, Section 4.7.2.(2)**.
- (3) The Town Board shall within thirty (30) days after the public hearing or within such time as is mutually agreed by the Town Board and the applicant, either grant the application, in whole or in part, with or without modifications and conditions, or deny the application.
- (4) Any person applying to the courts for a review of any decision made by the Town Board shall apply for review within thirty (30) days after the date of decision and shall be required to pay the cost of preparing a transcript of proceedings and the application for review shall be in the nature of certiorari under Rule 106 (a)(4) of the Colorado Rules of Civil Procedure. The Town shall be entitled to appeal any decision of the District Court under said Rule 106 proceedings.

4.1.4.3.3. Temporary Use Approval Procedure

Within ten (10) days of receiving the application, the Town Planner shall either deny or submit the application to the Board of Trustees.

4.1.4.5: Conditional Use

4.1.4.5.1. Purpose

Although each Zone District is primarily intended for permitted uses (such as dwellings in residential districts), there are a number of uses which may or may not be appropriate in a particular district. These uses may dictate that the circumstances of development should be individually reviewed. It is the purpose of this Section to provide review of such uses so that the Town is assured that they are compatible with their locations and surrounding land uses and will further the purposes of this code.

4.1.4.5.2. Approval Procedure

- (1) The Town Planner will review the application to determine if it is complete and eligible for consideration under existing regulations. A determination shall be made as to the need for review of the application by the Planning and Zoning Commission. If it appears questionable that the use should be approved, or if the nature or location of the proposed use may be controversial, or for other reasons believed to make it desirable for Planning and Zoning Commission review, the application will be forwarded to the Planning and Zoning Commission for consideration. Otherwise, it will be forwarded directly to the Town Board.

- (2) Within five (5) working days after receipt of the application, notification shall be sent to the owners listed in the application by first class mail with a certificate of mailing. Such notification shall include information that a Conditional Use application has been filed and the nature of the Conditional Use, that such application may be reviewed during regular office hours and the time that the Planning and Zoning Commission or Town Board will consider oral or written statements regarding the application.
- (3) The Town Board may, upon receipt of an application from the Town Planner refer it to the Planning and Zoning Commission for their review and recommendation. If it is not referred to the Planning and Zoning Commission, or requires a public hearing, they shall within thirty (30) days after receipt, or within such time as is mutually agreed to by the Board and the applicant, either grant the application in whole or in part, with or without modifications or conditions, or deny the application.
- (4) Within fifteen (15) days after the Planning and Zoning Commission receives a completed application at its regular meeting or within such time as is mutually agreed by the Planning and Zoning Commission and the applicant, the Planning and Zoning Commission shall either recommend approval of the application, in whole or in part, with or without modification and conditions or recommend denial of the application to the Town Board.
- (5) The Town Board may hold a public hearing on any proposed conditional use application within forty-five (45) days or after receiving the written report of recommendations from the Planning and Zoning Commission. A notice of such hearing shall be published in a newspaper of general circulation within the Town at least thirty (30) days prior to the hearing date, or in the manner and form required by statute for a zoning resolution or amendment. An adequate record of the hearing shall be maintained.
- (6) The Town Board shall within thirty (30) days after the public hearing, or receipt of the written recommendation from the Planning and Zoning Commission when a public hearing is not held, or within such time as is mutually agreed by the Town Board and the applicant, either grant the application in whole or in part, with or without modifications and conditions, or deny the application.
- (7) All approved site plans for Conditional Uses including modifications and conditions, shall be certified by the Town Board and recorded by the County Clerk and Recorder at the applicants' expense.
- (8) Any person applying to the courts for a review of any decision made under the terms of this Section shall apply for a review

within thirty (30) days after the date of decision and shall be required to pay the cost of preparing a transcript of proceedings and the application for review shall be in the nature of certiorari under Rule 106 (a) (4) of the Colorado Rules of Civil Procedure. The Town shall be entitled to appeal any decision of the District Court under Rule 106 proceedings.

4.1.4.6: Stockpiling Permits and Development Construction Permits

4.1.4.6.1. Purpose

A stockpiling Permit is required in order to regulate the placement of fill dirt on properties not covered by a site specific development plan, to protect against adverse impacts to floodplains, drainage systems, natural areas, wildlife habitat, wetlands or other areas of public interest, and to assure that public nuisances will not be created by the stockpiling activities.

A Development Construction Permit is required in order to coordinate the transition from completion of the development review process to the construction process.

4.1.4.6.2. Applicability

A Stockpiling Permit shall be required for temporarily or permanently placing soils or similar inorganic materials upon property that is not subject to the provisions of a valid Development Construction Permit.

A Development Construction Permit shall be required for all development that is required to construct public infrastructure improvements that, upon completion, will be owned or maintained by the city.

4.1.4.6.3. Permit Review Procedures

An application for a Stockpiling Permit or a Development Construction Permit shall be processed according to, in compliance with and subject to the provisions contained in this Section.

- (1) All applications for Stockpiling Permits or Development Construction Permits shall be in a form established by the Land Use Administrator and made available to the public.
- (2) The applicant for a Development Construction Permit shall remit to the Town an impact fee and a construction inspection fee in the amounts as are authorized by an ordinance of the Town of South Fork and the Town Board of Trustees.
- (3) An application for a Stockpiling Permit shall be processed, reviewed, considered and approved by the Planning and Zoning Commission based on its compliance with the Town Code and all regulations related to such permit adopted by the Town by reference or otherwise, as amended, including, without limitation, these Land Use and Development Codes.

- (4) An application for a Development Construction Permit shall be processed, reviewed, considered and approved by the Planning and Zoning Commission, who will make recommendation to the Town Board. Such application will be in compliance with the Site Development Standard (**Title 4, Chapter 6**) and the Subdivision Regulations (**Title 4, Chapter 5**) of this Code and all regulations related to such permit adopted by the Town by reference or otherwise, as amended.
- (5) All Stockpiling Permit activity shall be commenced and completed within one hundred and eighty (180) days of issuance of the permit unless a longer term of permit is requested by the Land Use Administrator upon submittal to the Planning and Zoning Commission. The applicant for a Stockpiling Permit may apply for an extension of the term of such permit if such application is filed with the Land Use Administrator at least two (2) working days prior to the permit expiration date. Such application shall contain good and sufficient reasons as to why an extension is necessary. For good cause shown, the Land Use Administrator may approve an extension application that has been timely filed; provided, however, that no extension shall be granted for a term in excess of the next regular meeting of the Planning and Zoning Commission, who will review the application and decide if the extension is to continue.
- (6) The Development Construction Permit shall be subject to the following lapse and extension provisions:
 - 1. **Prior to Commencement of Construction** – if construction has not commenced within sixty (60) days from the date of issuance of the Development Construction Permit, such permit shall expire, and all fees paid therefore shall be forfeited.
 - 2. **Following Commencement of Construction** – if construction has timely commenced, the Development Construction Permit shall expire upon the passage of one (1) year from the date of issuance thereof.
 - 3. **Extensions** – the applicant for a Development Construction Permit may apply for an extension of the term of such permit if such application is filed with the Land Use Administrator at least two (2) weeks prior to the permit expiration date. Such application shall contain good and sufficient reasons as to why an extension is necessary; and, for good cause shown, the Land Use Administrator may approve an extension application that has been timely filed; provided, however, that no extension shall be granted for a term in excess of the next regular meeting of the Planning and Zoning Commission, who will review the application and decide if the extension is to continue.

4. **Appeals** of any final decision of the Land Use Administrator or the Planning and Zoning Commission on Stockpiling Permit or Development Construction Permit applications shall be made to the Board of adjustments within thirty (30) days of such decision. However, such appeals may be filed only by persons who possess a legal or equitable interest in the specific real property which is the subject of the decision.

4.1.4.7: Procedure for Processing Subdivision or PUD Preliminary Plan or Plat

4.1.4.7.1. Receipt of Preliminary Plan

The preliminary plan consisting of the application, the preliminary plat and preliminary plan supplementary information, will be received by the Town Planner and reviewed for completeness. When complete, the subdivider will assemble the number of copies of the plan and required supplemental material as determined by the Town into packet form with one copy of each required item included in each packet and submit them to the Town Planner.

4.1.4.7.2. Notice to Public

- (1) A date and place for a public hearing before the Planning and Zoning Commission will be set. The public hearing will be held no later than forty five (45) days after receipt of the Preliminary Plan. Notice of the public hearing shall be published for three (3) successive weeks prior to the hearing in a newspaper of general circulation within the Town. This notice shall be the responsibility of the Town.
- (2) The subdivider shall include with the application, a list of owners of properties located within fifteen hundred (1500) feet of the outside boundaries of the subject property of the proposed subdivision in a Rural Zone District and within three hundred (300) feet of the outside boundaries of the proposed subdivision in all other Zone Districts, along with the current addresses as recorded with the County Assessor of all such owners. The Town will send a letter and the letter shall state the property owners may appear in person at the Planning and Zoning Commission Hearing, or if unable to attend, submit a statement further expressing the owners opinions and comments on the subdivision proposal.

4.1.4.7.3. Preliminary Plan Review by Other Agencies

- (1) A packet of the Preliminary Plan and supporting information shall be referred to the following offices within five (5) days after they have been received from the subdivider:

- (a) Town Board
 - (b) Development Resources Group
 - (c) San Luis Valley Rural Electric Cooperative
 - (d) Public Service Company of Colorado, if applicable
 - (e) Appropriate telephone company
 - (f) Colorado Division of Wildlife
 - (g) Colorado Geological Survey
 - (h) Colorado State Health Department, Colorado Water Quality Control Division
 - (i) Colorado State Engineer's Office
 - (j) Colorado Department of Transportation
 - (k) Appropriate school district
 - (l) The local Soil Conservation District Board or board within the Town
 - (m) Board of County Commissioners, Rio Grande County.
 - (n) Where applicable; to special utility districts, the U.S. Forest Service, the Colorado State Forest Service, and the Bureau of Land Management.
 - (o) Where applicable; South Fork-Del Norte Fire District, South Fork Water and Sanitation District, South Fork Chamber of Commerce.
 - (p) Where applicable; Colorado Water Conservation Board, Rio Grande Water Conservation District, San Luis Valley Water Conservancy District, and appropriate ditch companies.
- (2) The Town Planner will furnish a copy of all comments received to the subdivider as they are received. The failure of any agency or office to respond at least five (5) days prior to the public hearing shall be for the purpose of the hearing on the plan be deemed an approval of such plan that day.
 - (3) The Preliminary Plan, along with available comments from the above listed offices, agencies, adjoining property owners and governmental bodies, shall be presented at a public hearing before the Planning and Zoning Commission. The Planning and

Zoning Commission shall fully review the Preliminary Plan and make its recommendation to the Town Board within forty five (45) days after the public hearing. The review shall include:

- (a) A check for completeness of information required by Town Subdivision Regulations, as set forth in Requirements for Improvements, the Evaluation Criteria and Design Standards contained in **Title 4, Chapter 5**.
 - (b) Consideration of input received from the public hearing and from the preceding listed offices, agencies, adjoining property owners and governmental bodies.
 - (c) The compatibility of the proposed subdivision with the Town of South Fork Land Development Code.
- (4) The recommendation to the Town Board shall include specific reasons for the decision. A copy of said recommendation shall be made available upon request to the sub-divider.

4.1.4.7.4.PUD Construction Procedures and Zoning

Provided the time limit established by the approved Development Plan has not passed, the official designated by the Town shall issue zoning permits for buildings and structures in the areas covered by the approved final Development Plan and/or approved Development Guide. The approved Development Plan and Development Guide must be recorded if permits are to be issued.

If the time limit established by the development plan has passed, no zoning permits shall be issued until after the Town Board has reviewed the development plan and a new development guide has been established.

4.1.4.7.5. Preliminary Plan Approval

Within thirty (30) days after the preliminary plan with recommendations has been received from the Planning and Zoning Commission, the Town Board will act to approve the plan with or without conditions or disapprove the plan. If disapproved the Board will recite specific reasons for the disapproval.

- (1) Time Limitations: Approval of a Preliminary Plan shall be effective for a period of twelve (12) consecutive months. One or more extensions may be granted by the Planning and Zoning Commission upon application for same, except that such extension shall not waive conformance to interim amendments to this Code. Notice of the granting of such extension shall be furnished in writing by the Planning and Zoning Commission. If a Final Plat is not submitted within the granted time, a Preliminary

Plat must again be submitted before action may be taken on a Final Plat. Any fees that have previously been paid are forfeited.

- (2) The development may be done in phases with each phase receiving Preliminary and Final approval. The number of lots in each phase shall be determined by the Town Board. Provided that each phase is able to stand on its own, not dependent on the next phase of development.

4.1.4.8: Final Plat or Plan Review

The Final Plat shall conform to the Preliminary Plan as approved, except that if desired by the sub-divider, the Final Plat may constitute only a portion of the approved Preliminary Plat. The number of lots for final Plat Approval shall be determined by the Town Board. If only a portion of the Preliminary Plan is included on the Final Plat, letters of acknowledgment shall be obtained by the sub-divider from all public utility companies involved in the subdivision and copies of such letters shall be submitted with the Final Plat. Two (2) mylar or linen copies of the final plot shall be supplied.

4.1.4.9: Procedure for Processing Minor Subdivisions

4.1.4.9.1. Definition

A Minor Subdivision shall consist of ten (10) or fewer lots of less than thirty five (35) acres each which do not require improvements at Town expense (sewer, water works, roads, etc.).

4.1.4.9.2. Purpose

To provide a relatively simple procedure for dividing small tracts of land for development where such development and use have only minor impacts to other lands in the vicinity.

4.1.4.9.3. Processing of Application

- (1) The application will be referred to the Planning and Zoning Commission which will:
 - (a) Hold a public hearing at least thirty (30) days after receipt of the application with a written notice of said public hearing sent by first class mail with a certificate of mailing, at least fifteen (15) days prior to the hearing date, to the property owners.
 - (b) Review the proposal to determine its conformance with the Town of South Fork Subdivision and Land Development

Code as well as to identify any other desirable and undesirable effects of the proposal.

- (c) Suggest changes that are determined to be desirable and/or obtain additional information needed to make a recommendation.
 - (d) Make recommendation for or against approval of the application to the Town Board, stating conditions (if any) upon which the recommendation is based.
- (2) After receiving a recommendation from the Planning and Zoning Commission, the Town Board will hold a public hearing. The Town Board will make a decision to approve, modify or deny the application within thirty (30) days after the public hearing or within such time as is mutually agreed to by the applicant and Town Board.
- (3) The Town Board upon Final Plat approval shall sign a Resolution stating such which will be sent to the sub-divider and the Planning and Zoning Commission. The Final Plat shall be signed upon Town Board approval of the completion of all required improvements (streets, water and sewer systems and etc.) including survey monumentation of the subdivision.
- (4) A copy of the signed Final Plat prepared according to the regulations in **Title 4, Chapter 5**, together with a copy of the covenants shall be recorded not more than six (6) days after the Final Plat is signed by the Town Board, in the office of the County Clerk and Recorder. The recording fee shall be paid by the subdivider and shall be submitted at the time application is made.

4.1.5: Criteria and Standards

4.1.5.1. General

The approval criteria and the design standards which apply to all applications are put forth in this Article. The more general standards which also apply appear in the Master Plan and **Title 4, Chapter 1** of this ordinance are to be considered first. The more specific standards of sections of this Article are then applied to determine acceptable design.

4.1.5.2: Policy for Zone Change

For the purpose of establishing and maintaining sound, stable and desirable development within the Town, changing the zone designation of some parcels of land is encouraged but as a statement of policy the indiscriminate changing of zone designation of land is to be discouraged. Changing the zone designation should be considered if:

- (1) The land for which a zone change was in error and as presently designated is inconsistent with the policies and goals of the Town of South Fork; or,
- (2) The area for which a zone change is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area; or,
- (3) The proposed zone change is necessary in order to provide land for a use which was not anticipated at the time of the adoption of the Town of South Fork Land Development Code, and that such zone change will be consistent with the policies and goals of the Town of South Fork.

4.1.5.2.1. Minimum Size of Parcel

No amendment changing the zone classification of any lot, parcel or tract of land shall be adopted unless such lot, parcel or tract has a minimum of one hundred fifty (150) feet of frontage on a public street, or has a minimum of one (1) acre of area, or abuts on a lot, parcel or tract of land that has the same zone classification as that which is proposed for the property which is the subject of the proposed amendment, or if it is in public interest to encourage a zone change.

4.1.5.2.2. Approval of Amendment to Zone Map

In granting an amendment to the zone map upon application by a property owner or authorized agent, the Town Board may require the dedication of additional street rights-of-way where an officially adopted street plan indicates need for increased width or where the nature of the proposed development warrants increased street width. The Town Board may require permanent screening or other devices to minimize conflict with residential zone.

4.1.5.2.3. Records of Amendments

The Town Board shall maintain a record of amendments to the text and map of this Code in a form convenient for the use of the public.

4.1.5.3: Language Change

Any proposed language change in this Land Development Code shall be reviewed to determine if the change improves this Code, procedures and standards and is in keeping with the Master Plan.

4.1.5.3.1. Subdivision Plans (See Title 4, Chapter 5)

4.1.5.3.2. Sketch Plan

Prior to the preparation of a Preliminary Plan for presentation to the Planning and Zoning Commission, the sub-divider shall make known his intentions to the Town Board, Planning and Zoning Commission, and the Town Planner by submitting a Sketch Plan and discussing informally any Town Plans or standards which would affect the proposed development. Along with the Sketch Plan, relevant site characteristics and analyses applicable to the proposed subdivision will be required to be submitted which will include in addition to the basic application the following:

- (1) Reports concerning streams, lakes, topography and vegetation;
- (2) Reports concerning any natural hazards which may exist in the area such as flood prone areas, concentrated runoff areas, inadequate drainage areas, wildfire hazard areas, geologic hazard areas, unstable or potentially unstable slopes, seismic effects, radio activity, ground subsidence and expansive soil and rock which could significantly affect the zone and determine the impact of such characteristics on the proposed subdivision.
- (3) Reports concerning other limiting characteristics in the area and a determination of the potential impact of these limiting characteristics on the proposed subdivision. These limiting characteristics shall include such features as soils suitability, erosion susceptibility, high ground water table, steep slopes unsuitable for construction and lack of evidence of adequate potable water supply;
- (4) Maps and tables concerning suitability of types of soil in the proposed subdivision, in accordance with the National Cooperative Soil Survey.
- (5) Reports identifying any important resource area which could significantly affect or be affected by the proposed subdivision, such as mineral resource areas.

4.1.5.3.3. Preliminary Plat or Plan

After the subdivider has reached preliminary conclusions concerning the feasibility and design of his proposed subdivision, the Preliminary Plan will be prepared for the consideration of the Planning and Zoning Commission and the Town Board. The purpose of this plan is to check it against the design standards, evaluation criteria and improvement requirements that have been established for the Town to expedite approval of the final plan. The plan will consist of a preliminary plat and a narrative section containing supplemental information needed to evaluate the proposal. All planning shall be guided by the Design Standards, Improvement Requirements and Evaluation Criteria contained in these Regulations.

Preliminary Plan Supplementary Information (when determined by the Town to be applicable)

- (1) Environmental Reports: The sub-divider shall indicate a procedure whereby notification to potential purchasers in identified environmental hazard prone areas will be made through covenants, within sales contracts and through plat notes. The sub-divider shall indicate that continued compliance with notification procedures will occur.
 - (a) FLOOD HAZARDS: A map showing the boundaries of the 100-year and 500-year floods, the possible depth of flood waters in the subdivision, and the improvements planned for location within the boundaries, including buildings, utilities and roads.
 - (b) GEOLOGIC HAZARD: A map portraying the geologic conditions that present a geologic hazard to the subdivision together with a report explaining the potential dangers from the hazardous condition and the measures that may be taken, if any, to mitigate the condition.
 - (c) FIRE HAZARD: A map showing the location of fire hazards and the reason for the hazard; i.e. slope, aspect, topography and fuel. A narrative setting up procedure for preventing fires and reducing their danger and information on planned fire suppression for the subdivision. The above information will be certified by a professional forester or experienced fire marshal.
 - (d) SOIL SUITABILITY: Maps and tables concerning suitability of types of soil in the proposed subdivision, in accordance with National Cooperation Soil Survey.
- (2) Evidence that a water supply is sufficient to insure an adequate supply of water for the type of subdivision proposed including fire protection. Including evidence of ownership or right of acquisition of or use of existing and proposed water rights, historic use and estimated yield of claimed water rights and amenability of existing rights to change in use.
- (3) Where a water distribution (central water system) system is proposed; the plans, design and specifications shall be reviewed by the Colorado Department of Health, Water Quality Control Division to insure compliance with adopted drinking water standards pursuant to 25-1-107 (x)(II)(A), C.R.S. 1973 as amended.
- (4) Letters from energy and utility suppliers indicating availability of services.
- (5) Evidence that there will be suitable and legal ingress and egress to the subdivision, available to the lot owners in the subdivision. If

the subdivision accesses onto a State Highway an access permit will be required from the State Department of Transportation. In the event, the subdivision accesses onto a Town Street which eventually impacts State Highway access, improvements will be required by the subdivider to handle the increase in volume over time at that intersection or access point.

- (6) Proof of financial responsibility in relation to proposed development costs, i.e.. financial statement or letter of available credit from a financial institution.
- (7) Plans to prevent storm water runoff, caused by the subdivision, from damaging any ditches, roads or other structures or lands.

4.1.5.4: Planned Unit Development (PUD)

The Planning and Zoning Commission and Town Board shall consider the following factors, criteria and standards in making their determination whether to approve a preliminary and final plan for a Planned Unit Development and related development plan and development guide:

- (1) Need for the proposed development.
- (2) The effect of the proposed Planned Unit Development upon the immediate area, including employee housing requirements.
- (3) Whether or not an exception from the zone requirements and limitations and from the subdivision regulation requirements and limitations is warranted by virtue of the design and amenities incorporated in the development plan and development guide.
- (4) That land surrounding the proposed Planned Unit Development can be planned in coordination with the proposed Planned Unit Development.
- (5) That the proposed Planned Unit Development is in conformance with the general intent of the Town Land Development Code.
- (6) That existing and proposed utility services are adequate for the proposed development and that the methods of financing, construction and maintenance are adequate.
- (7) That the Planned Unit Development creates a desirable and stable environment, and does not cause unacceptable, air, water, or noise pollution.
- (8) The suitability of both the overall Planned Unit Development design concept as well as the general phasing scheme.

- (9) Other relevant matters related to the Planned Unit Development as determined by the Town Board.

4.1.5.4.1. Minor Subdivision

The Planning and Zoning Commission and Town Board shall consider the following factors, criteria and standards in making their determination whether to approve a minor subdivision.

- (1) Does not conflict with the policy and guidelines of the Town of South Fork Land Development Code.
- (2) Adequate, suitable water must be available for the use intended (water well permit or certificate).
- (3) Site must be suitable and plans adequate to assure proper disposal of sewage and other wastes.
- (4) All lots must have legal access to a public road.
- (5) The proposed use of the lots must conform with the zone Regulations for the district on which the minor subdivision is located.
- (6) Determine if the area should be included with adjacent lands to form a properly planned larger subdivision to prevent piecemeal area planning.
- (7) The area or land has no other significant physical limitations affecting the proposed use.
- (8) Erosion control measures planned.

4.1.5.5: Conditional Uses

The Planning and Zoning Commission and Town Board shall consider the following factors, criteria and modifications in making their determination whether to approve Conditional Uses.

- (1) Conditional Uses existing at the time of the adoption of the original Regulation, shall be allowed to continue as Conditional Uses.
- (2) No Conditional Use shall be approved unless the Town Board finds that the application complies with all requirements imposed by this Section; with all applicable laws and regulations; is consistent with all objectives and purposes of these Regulations as declared in **Chapter 1**; and is consistent with the Town of South Fork Land Development Code.

- (3) Decisions on Conditional Use applications shall be based upon policy and guidelines set forth in this section but are not limited to the following:
 - (a) Will the proposed use be compatible with surrounding zones? Reasonable suggestions and objections from persons in the neighborhood are a measure of compatibility and should be utilized.
 - (b) Will the use result in undue traffic congestion or traffic hazards?
 - (c) Will the use be unreasonably detrimental to the public health, safety, or welfare?
 - (d) Will the use adversely affect soil, water, air, value and aesthetics, and if so to what extent can these adverse effects be reasonably mitigated in the particular area?
- (4) It will be the policy to accommodate conditional uses applied for, and conditions and modifications will be offered as a means of mitigating the adverse effects of the use when they will make it possible to approve rather than deny the application.

4.1.5.6: Land and Resource Evaluation Criteria

4.1.5.6.1. Purpose and Intent

The primary purpose and intent of this section is to provide criteria to evaluate subdivision proposals for land which lies within or is impacted by natural hazards or which contains resources of major importance.

4.1.5.6.2. Natural Hazard Areas

The Town Planner shall keep on file and available to the public a set of maps clearly showing all known and identified flood hazard areas, geologic hazard areas and wildfire hazard areas in the Town of South Fork.

- (1) Flood Hazard Areas
- (2) Geologic Hazard Areas

The Town shall not approve any subdivision plan if the subdivision is either in one of these identified geologic hazard areas or in the absence of official maps, is in an area suspected by the Town to be geologic hazard, unless the developer can submit adequate evidence that the proposed subdivision meets the following criteria:

- (a) Provision is made for disclosure, prior to sales, of all geologic hazards and mitigation procedures undertaken and for attaching a delineation and description of the geologic hazard and mitigation measures to all deeds, titles and recorded documents involving a transfer of ownership on the subject land.
 - (b) Provisions are made for the long term health, welfare and safety of the public from geologic hazards to life, property and/or associated investments.
 - (c) The proposed development will not create an undue financial burden on existing or future residents of the area or community.
 - (d) Permitted zones, including public facilities which serve such uses shall avoid or mitigate geologic hazards at the time of initial construction.
 - (e) Man-made changes shall not initiate or intensify adverse natural conditions within a geologic hazard area.
 - (f) The development must be designed or reviewed by a professional geologist.
- (3) Wildfire Hazard Areas: The Town shall not approve any subdivision plan if the proposed subdivision is either in one of these identified wildfire hazard areas, or in the absence of official maps, is in an area suspected by the Town to be a wildfire hazard, unless the developer can submit adequate evidence that the proposed subdivision meets the following criteria:
- (a) Any development in which residential activity is to take place will be designed so as to minimize significant hazards to public health and safety or to property.
 - (b) Any authorized developments will have adequate roads for service by fire trucks, fire fighting personnel and other safety equipment, such developments will have means of reducing conditions conducive to fire.
 - (c) All precautions required to reduce or eliminate wildfire hazards will be provided for at the time of the initial development.
 - (d) The development will adhere to the Guidelines and Criteria for Wildfire Hazard Areas promulgated by the Colorado State Forest Service.

4.1.5.6.3. Important Resource Areas

- (1) Historically Significant or Archaeologically Important Areas: Consideration will be given to the protection and/or retention of identified sites of historical and archaeological importance. Alteration of such sites shall be avoided. Emphasis should be put on reuse of historical structures and the incorporation of these sites into parks or open space. If disturbance of such sites is unavoidable, the subdivider shall contact the State Historical Society or other applicable agency or organization and allow them an opportunity to preserve the site or move the improvements or artifacts before alteration takes place.
- (2) Wildlife Habitat: When planning and approving subdivisions plats located in or affecting critical habitat and fisheries, consideration will be given to the anticipated effects of the subdivision on wildlife, fisheries and critical wildlife habitat. As a minimum the following criteria will be considered:
 - (a) Significant and lasting pollutants or poisons will not be introduced into fisheries.
 - (b) The social and/or economic benefits of the subdivision will be sufficient to offset economic and social benefits of wildlife and fish that will be forgone.
 - (c) All practical measures shall be taken to prevent or mitigate the adverse effects of the development to wildlife.
 - (d) Check river setbacks.

4.1.6: Zoning Districts

4.1.6. Establishment of Zone Districts/General Criteria

The Town of South Fork, State of Colorado, is hereby divided into Zone Districts of such number and character as are necessary to implement the Town of South Fork Master Plan and related official plans and the official Zone District Map of the Town of South Fork, and to serve other purposes of this Code.

Except as provided in this Code, no building will be erected, reconstructed, or structurally altered, nor will any building or land be used for any purpose other than is specifically permitted in the same Zone District in which such building or land is located.

Unless otherwise specified, Zone District boundaries are lot lines or the center line of streets, alleys, railroad rights-of-way, or such lines extended. The procedures for a Zone District amendment are contained in **Title 4, Chapter 1, Section 3**.

The following items pertain to the Zone District Map:

- (1) The location and boundaries of the Districts designated in **Title 4, Chapter 1, Section 3** are hereby established as shown on the map entitled Zone District Map of the Town of South Fork and signed by the Mayor and the Town Clerk and hereafter referred to as the Zone District Map.
- (2) The Zone District Map and all notations thereon are hereby made a part of this Code.
- (3) A signed copy of the Zone District Map containing the Zone Districts designated at the time of the adoption of this code shall be maintained on file in the South Fork Town Office and recorded with the County Clerk and Recorder's Office. Changes made in district boundaries or other matters portrayed on the Official Zone District Map shall be made in accordance with the provision of this Code and **Title 30, Article 28 of the Colorado Revised Statutes**. Changes shall be entered on the Official Zone District Map and will be recorded within (3) business days after the amendment has been approved by the Town Board.

4.1.6.1. Rural Residential District (RR)

This district is comprised of areas where continued agriculture or grazing use is practiced on a smaller scale. Residential developments are limited to large lots, 5 acres or greater, and which are designed in a way that provides for the preservation and protection of irrigated croplands, range lands, watershed and wildlife habitats in the Town; the maintenance of agricultural production; and preservation of associated life styles. A very limited range of commercial uses are permitted in this area and home occupations are allowed.

4.1.6.1.1. Permitted and Conditional Uses

See **Table A** for the list of permitted and conditional uses in this district.

4.1.6.1.2. Other Requirements:

See **Table B**

4.1.6.2: Residential District (R)

This district is composed of certain low-density residential areas of the Town, plus other areas where similar residential development may occur. It anticipates residential development at densities of between one to five units per acre.

4.1.6.2.1. Permitted and Conditional Uses

See **Table A** for the list of permitted and conditional uses in this district.

4.1.6.2.2. Other Requirements

See **Table B**

4.1.6.3: Mobile Home District (MH)

This district is designed to provide quiet, low-density residential areas where mobile home parks will be accommodated. The regulations for this district are designed to encourage the integration of mobile homes with established single family detached dwellings in areas where adequate services and facilities are available and resulting development patterns will not impact the essential character of the district or adjacent Districts.

4.1.6.3.1. Permitted and Conditional Uses

See **Table A** for the list of permitted and conditional uses in this district.

4.1.6.3.2. Other Requirements

See **Table B**.

4.1.6.3.3. Density & Minimum Area

The mobile home park shall have a gross density of no more than eight (8) units per acre of usable building area (see **Title 4, Chapter 4, Section 2** for definition of usable building site). The minimum area for a mobile home park is 2 acres.

4.1.6.3.4. Setbacks

Each mobile home park shall set aside along the perimeter of the park the following setbacks which shall be landscaped according to the plan submitted for permit review, except for those portions used for ingress and egress.

The minimum setback requirements shall be as follows:

- Abutting a state or federally designated highway or county designated major arterial – fifty (50) feet.
- Abutting any public right-of-way other than above, including alleys – twenty-five (25) feet.
- Abutting any exterior boundary other than (1) and (2) above – fifteen (15) feet.

All mobile homes shall be parked in such spaces so that there will be a minimum of twenty (20) feet between mobile homes. Mobile homes parked

end-to-end shall have clearance of not less than ten (10) feet and ten (10) feet from all streets. The tongue or hitch and enclosed additions to the mobile home structure shall be considered a part of the mobile home in measuring required setback distances. The required area of each mobile home space shall not include additional area required for access roads, off-street parking, service buildings, recreation areas, office and similar mobile home park needs.

It shall be unlawful to park a mobile home so that any part of such mobile home will obstruct any roadway or walkway in a mobile home park.

It shall be unlawful to allow any mobile home to be occupied in a mobile home park unless the mobile home is situated on a mobile home space.

4.1.6.3.5. Mobile Home Space Requirements

The following minimum area requirements shall apply to mobile home spaces:

- (1) The minimum area of a mobile home space shall be three thousand five hundred (3,500) square feet.
- (2) Groups or clusters of mobile homes may be placed on a combined lot where the area of the combined lot is equal to the minimum lot area required for an equal number of mobile homes on standard spaces and where the minimum setbacks are honored on the combined spaces perimeter lines, and minimum spacing requirements are complied with.

4.1.6.3.6. Access and Interior Roadways

- (1) The park shall have at least one (1) direct access to a public street by a roadway at least thirty-two (32) feet in width.
- (2) Access to be provided to each mobile home space by interior roadways not less than thirty-two (32) feet in width.
- (3) The mobile home park shall be so designed that all mobile spaces have access to the interior roadway.
- (4) Roadways shall be surfaced with one and one-half (1 ½) minus gravel, asphalt or concrete.

4.1.6.3.7. Public Sites, Open Space and Recreation Area

A mobile home park shall provide an amount of not less than eight (8) percent of the gross mobile home park area for private recreational areas. The area allowed for recreation shall not include any area designated as a roadway, mobile home space, storage area or any area required for setbacks or a water surface.

4.1.6.3.8. Off-street and On-street Parking

Areas shall be provided for the parking of motor vehicles.

- (1) A minimum of two (2) off-street parking spaces for each mobile home shall be provided for each mobile home space. The minimum size of each such off-street parking space shall be a minimum of two hundred (200) square feet and measuring a minimum of nine (9) feet wide.
- (2) On-street parking may be permitted in place of required off-street parking by widening roadways. On-street parking shall be equal to the minimum area required for an equal number of off-street parking spaces. Minimum width of on-street parking spaces shall be nine (9) feet.

4.1.6.3.9. Storage Areas

- (1) An outdoor storage area for boats, boat trailers, camping units and horse trailers shall be provided within the mobile home park in an amount equal to fifty (50) square feet per mobile home space.
- (2) An indoor storage area, either individual or common, for the personal use of mobile home occupants shall be provided in an amount equal to fifty (50) square feet per mobile home space. (Space beneath the mobile home shall not fulfill this requirement.)

4.1.6.3.10. Individual Mobile Homes

- (1) All mobile homes shall have a skirting of a rigid type material. Such skirting must be in place within sixty (60) days after the mobile home is set on the mobile home space.
- (2) It shall be the responsibility of the person to whom the permit for the mobile home park is issued to see that the skirting is in place in compliance with these regulations.

4.1.6.3.11. Fire Protection

Every mobile home park shall be provided at all times with fire extinguishing equipment in good working order of such type, size and number and so located as prescribed by the local fire prevention authority, or to satisfy reasonable fire regulations

4.1.6.3.12. Utilities

- (1) Water Supply

An accessible, adequate, safe and potable supply of water under pressure shall be provided in each mobile home park, capable of furnishing a minimum of five hundred (500) gallons per day per

mobile home space. The number of mobile home spaces to be occupied in a mobile home park shall be limited to the quantity of water available to supply each such mobile home space with the minimum requirements. Where a public supply of water of such quality is available, connection shall be made thereto and its supply may be used exclusively. The development of an independent water supply to serve the mobile home park shall meet all state and local requirements. All plumbing in the mobile home park shall comply with state and local plumbing regulations.

(2) Sewage Disposal

Mobile home parks shall be served by: A public sewer system which shall be reviewed by the Town of South Fork according to an engineered plan. All plumbing in the mobile home park shall comply with state and local plumbing laws and regulations. Each mobile home space shall be provided with at least a four (4) inch sewer connection. The sewer connection shall be closed when not linked to a mobile home and shall be capped so as to prevent escape of odors. The mobile home drain shall be water tight and self draining. This drain shall be constructed of smooth schedule 40 plastic pipe or of other material approved and inspected by the state plumbing inspector or local plumbing laws and regulations.

(3) Electricity

An electrical outlet supplying 110/220 volts, shall be provided for each mobile home space. The installation shall comply with all state and local electrical regulations and be inspected by the state electrical inspector.

(4) Underground Utilities

All electrical and communication utility lines and services and all street lighting circuits, except as hereinafter provided, shall be installed underground, and street lighting may be provided by means of the utilities standard ornamental facilities. Exceptions from the requirements of the foregoing and this section shall be the following:

- (a) Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground and street lighting facilities may be placed above ground within the utility easement provided therefore, or within the street or other public place as appropriate;
- (b) All facilities reasonable necessary to connect underground facilities to existing or permitted overhead or above-ground facilities;

- (c) Overhead electric transmission and distribution feeder lines and overhead communication long distance, trunk and feeder lines, existing or new; and
 - (d) It shall not be necessary to remove or replace existing utility facilities used or useful in servicing the mobile home park.
- (5) Refuse Disposal

The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health hazards, rodent harborage, insect-breeding areas, accident hazards or air pollution. All refuse shall be stored in fly-tight, water-tight, rodent-proof and bear restrictive containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing or blowing away. Satisfactory container racks or holders shall be provided at permanent locations convenient to mobile home spaces, in areas screened by appropriate landscaping or fencing. Methods of storage, collection and disposal are subject to compliance with any local laws and regulations. Collection shall be at least weekly. The park manager is responsible to provide proper garbage disposal.

4.1.6.3.13.Registration of Occupants

It shall be the duty of the mobile home park owner to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:

- (1) The name and address of the owner of each mobile home; and
- (2) The name and address of the occupant of each mobile home, if different from the owner;
- (3) The make, model and year of each mobile home; and,
- (4) The date of arrival and of departure of each mobile home.

The mobile home park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of one (1) year following the date of departure of the registrant from the mobile home park.

4.1.6.4: Medium Density Residential District (MDR)

This district is composed of certain areas of the Town where developments at greater than prevailing residential densities are considered to be acceptable and may occur. In addition, all of the uses

permitted in the Residential (R) District are also permitted, meaning that higher densities are allowed but not required. The regulations for this district are designed to encourage the integration of higher density development with the established densities in areas where adequate services and facilities are available and such densities will not negatively impact the essential character of the district or adjacent districts. Residential development is permitted in building configurations of one, two and multi-unit dwellings; commercial development is not permitted unless it is approved in conjunction with a planned unit development. New Medium Density Residential uses are encouraged to occur where a full range of urban services can be provided.

4.1.6.4.1. Permitted and Conditional Uses

See **Table A** for the list of permitted and conditional uses in this district.

4.1.6.4.2. Other Requirements

See **Table B**

4.1.6.5: Recreational Vehicle District (RV)

This district is intended to provide adequate residential areas in which recreation vehicles will be allowed. The regulations for this district are intended to protect the essential characteristics of the district including its attractiveness for outdoor recreation and as an area that is an attraction to and provides a high quality living environment for tourists and seasonal residents.

4.1.6.5.1. Permitted and Conditional Uses

See **Table A** for the list of permitted and conditional uses in this district.

4.1.6.5.2. RV Parks

4.1.6.5.3. Minimum area

- (1) For all land provided with central water and sewer facilities, the minimum area shall be 2 acres.
- (2) RV Parks are prohibited on lands not provided with central water and sewer facilities.

4.1.6.5.4. Setback Requirements

Setbacks for recreation vehicle parks and the recreation vehicle within the park are as follows;

- (1) Parks

- (a) Utility 15 foot exterior boundary setback
 - (b) Utility 25 foot setback along Public Right-of-Way
- (2) Recreational Vehicles
 - (a) 15 foot minimum between vehicles
 - (b) 10 foot from interior roads

4.1.6.5.5. Required Conditions

- (1) A development designed as a recreation vehicle park shall be designed for the explicit purpose of renting of recreation vehicle sites and shall not be construed to permit the sale of such lots.
- (2) In the event that long term leases (one (1) or more years) are provided in a recreation vehicle park, the lease is for RV placement and not habitation.

4.1.6.5.6. The following use provisions are applicable to all recreational vehicle parks:

- (1) Placement of recreational vehicles for non permanent residency is permitted in all recreational vehicle parks. Note: Per Town definition, a recreational vehicle does not include mobile homes.
- (2) Permanent residency for manager or other employees in the operation of the park, provided they are not housed in a recreational vehicle.
- (3) Delicatessen, snack bar and food store, provided that use is fully contained in a social or recreational center at least one hundred (100) feet from any property line of the recreational vehicle park and serving park guests.
- (4) Similar Uses: The Board of Trustees may, by the Conditional Use Permit approval, permit any other uses which it may determine to be similar to those listed above, operated exclusively for the convenience of recreational vehicle park residents, and not more obnoxious or detrimental to the public health, safety and welfare, or to other uses permitted in the park, as provided in this code. All uses shall be subject to the property development standards contained herein.

4.1.6.5.7. Occupancy

Recreational vehicle parks are intended for seasonal intermittent use not intended to be used as permanent residences.

4.1.6.5.8. Prohibited Uses

- (1) Permanent residency: Except for park management and maintenance personnel, there shall be no permanent residency in a recreational vehicle park.
- (2) Non-residential uses: Except as otherwise expressly provided herein, no part of the park shall be used in any way, directly or indirectly, for any business, commercial, manufacturing, mercantile, vending or similar purpose or any other purpose unrelated to a recreational vehicle park.
- (3) Home occupations: Not permitted within any recreational vehicle or residence within a recreational vehicle park.
- (4) Propane: The on-site sale of propane is prohibited, except from a commercially licensed vendor.

4.1.6.5.9. Accessory Structures

General: The following structures and their uses are permitted in all recreational vehicle parks:

- (1) Mobile homes: Not more than one mobile home lot for every fifty (50) RV spaces may be placed in a recreational vehicle park. The mobile home is to be occupied only by the owner, the manager, or employee in the operation of the park. Such mobile home space and mobile home shall comply with all requirements and definitions set forth in Mobile Home Standards.
- (2) One single family residence for the owner or manager of a recreational vehicle park. The setback requirements for this single family residence in this zone shall be the same as provided in the Recreational District. The minimum site area requirement for this residence shall be seven thousand (7,000) square feet. The residence may include office space for use in connection with the park operation.
- (3) Social and recreational center, provided such center is at least one hundred (100) feet from any property line of the recreational vehicle park.
- (4) Private recreation facilities for the use of the occupants of the park and their guests, such as swimming pool, putting greens, and shuffleboard courts.
- (5) Common laundry facilities, provided there is no dry-cleaning equipment or outdoor laundry drying.
- (6) Common shower, bath and locker room facilities.
- (7) Structures to assist the handicapped.

4.1.6.5.10. Prohibited Accessory Structures

The following structures are prohibited within all recreational vehicle spaces:

- (1) Any enclosed habitable buildings.
- (2) Garages and carports.
- (3) Fences greater than three (3) feet in height.
- (4) Free-standing mailboxes.

4.1.6.5.11. Area of Spaces

Minimum area of a recreational vehicle space shall be twelve hundred and fifty (1,250) square feet.

4.1.6.5.12. Density

The maximum net density in a recreational vehicle park shall not exceed twenty (20) recreational vehicle spaces per acre of useable building area (see definition of useable building site).

4.1.6.5.13. Landscaping

All required setbacks and common open areas within a recreational vehicle park shall be landscaped.

4.1.6.5.14. Common Recreation Area

A common recreation area shall be required for all recreational vehicle parks. The recreation area may contain social halls, swimming pools, game courts, open areas, a trail system, fishing areas and etc. Open areas may either be designed for active or passive recreation, provided that the slope of the land does not exceed a gradient of ten (10) percent. Grades above ten (10) percent shall be common area, but not counted as recreation area. Water surface can be no more than 10% of total recreation area. The minimum amount of common recreation area shall be two hundred (200) square feet per recreational vehicle space.

4.1.6.5.15. Lighting (optional)

- (1) Lighting shall be indirect, hooded and positioned so as not to reflect onto the roadway and away from the recreational vehicle space and adjoining property.
- (2) Decorative lighting standards shall not exceed ten (10) feet in height. The height of all light standards shall be measured from the elevation of the adjoining pavement of the roadway. Lighting

standards in recreational areas may be higher than ten (10) feet if specifically approved by the Board of Trustees.

4.1.6.5.16. Automobile Parking

Minimum parking spaces for automobiles shall be as follows:

- (1) Recreational vehicle space: One graveled parking space to be provided on each recreational vehicle space.
- (2) The visitor parking spaces, separate from RV spaces shall be located to provide direct access and convenient use by visitors. Minimum one space for every five (5) RV spaces.

4.1.6.5.17. Roads

- (1) Entry Roads: All main entry roads to the park shall have a minimum width of forty (40) feet and have a clear and unobstructed access to a public right-of-way. The entry road shall be paved or surfaced with gravel. No vehicular parking shall be permitted within the roadway unless specifically designated for parking pursuant to Town approved plans.
- (2) Roadways
 - (a) Roadways within a recreational vehicle park shall be a width of not less than forty (40) feet for two-way traffic and thirty (30) feet for one-way. The roadways shall be paved or surfaced with gravel.
 - (b) Each recreational vehicle space shall front on a roadway. No recreational vehicle space shall take access from a public street or alley.
 - (c) Vehicular parking shall be permitted within the roadway unless specifically designated for parking pursuant to Town approved plans.

4.1.6.5.18. Outdoor Storage

No construction or flammable material, or vehicle other than a recreational vehicle shall be stored within a recreational vehicle space, road, or common areas except in special storage areas. Storage areas shall be screened by an opaque living hedge or a fence or wall not less than five (5) feet in height and shall be clearly designated on the approved plans.

4.1.6.5.19. Drainage

Drainage plans shall be submitted with the application to address at least the following three criteria:

- (1) The recreational vehicle park shall be so graded that there will be no depressions in which surface water will accumulate.
- (2) The ground shall be sloped to provide storm drainage runoff by means of surface or subsurface drainage structures.
- (3) The recreational vehicle space shall be sloped to provide drainage from beneath the recreational vehicle to an outside surface drainage structure.

4.1.6.5.20. Utilities

- (1) Water Supply

An accessible, adequate, safe and potable supply of water under pressure shall be provided in each recreational vehicle park, capable of furnishing a minimum of one hundred twenty-five (125) gallons per day per recreational vehicle space. The number of recreational vehicle spaces to be occupied in a recreational vehicle park shall be limited to the quantity of water available to supply each such recreational vehicle space with the minimum requirements. Where a public supply of water of such quality is available, connection shall be made thereto and its supply may be used exclusively. The development of an independent water supply to serve the recreational vehicle park shall meet all state and local requirements. All plumbing in the recreational vehicle park shall comply with all state and local plumbing regulations.

- (2) Sewage Disposal

Recreational vehicle parks shall be served by South Fork Water & Sanitation District. Each recreational vehicle space shall be provided with at least a four (4) inch sewer connection. The sewer connection shall be closed when not linked to a recreational vehicle and shall be capped so as to prevent escape of odors. The recreational vehicle drain shall be water tight and self draining. This drain shall be constructed of smooth schedule 40 plastic pipe or other material approved by the state or local plumbing laws and regulations.

- (3) Electricity

An electrical outlet 110/220 volts, shall be provided for each recreational vehicle space. The installation shall comply with all state and local electrical regulations.

- (4) Underground Utilities

All electrical and communication utility lines and services, and all street lighting circuits, except as hereinafter provided, shall be

installed underground, and street lighting may be provided by means of the utilities' standard ornamental facilities.

Exceptions from the requirements of the foregoing and this section shall be the following:

- (a) Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground and street lighting facilities may be placed above ground within the utility easement provided therefor, or within the street or other public place appropriate;
 - (b) All facilities reasonably necessary to connect underground facilities to existing or permitted overhead or above-ground facilities;
 - (c) Overhead electric transmission and distribution feeder lines and overhead communication long distance, trunk and feeder lines, existing or new; and
 - (d) It shall not be necessary to remove or replace existing utility facilities used or useful in serving the RV park.
- (5) Refuse Disposal

The storage, collection and disposal of refuse in the recreational vehicle park shall be so managed as to create no health hazards, rodent harborage, insect-breeding areas, accident hazards or air pollution. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing or blowing away. Satisfactory container racks or holders shall be provided at permanent locations convenient to recreation spaces, in areas screened by appropriate landscaping or fencing. Methods of storage, collection and disposal are subject to compliance with any local regulations. Collection shall be at least weekly.

4.1.6.5.21. Movement of Recreational Vehicles

- (1) Wheels and/or similar devices shall not be removed from recreational vehicles or park trailers, nor shall any fixture be added or barrier be placed which will prevent the recreational vehicle from being moved under its own power or by a passenger vehicle.
- (2) Skirting is permitted provided it can easily be removed and there are proper openings for ventilation.

4.1.6.5.22. Fire Protection

Every recreational vehicle park shall be provided at all times with adequate fire hydrant in good working order of such type, size and number and so located as prescribed by the local fire prevention authority, or to satisfy reasonable fire regulations.

4.1.6.6: Commercial Business District (CB)

These areas are intended to provide a full range of retail sales and services, areas of recreation, resort and tourist oriented commercial activities that provides the primary lodging and activity area for resort visitors and tourists. The permitted zones within this zone promote and encourage a suitable environment for commercial services to area residents and tourists, while prohibiting industrial use and other activities that would discourage or reduce the quality of the shopping environment. Residential uses in the Commercial Business District areas are limited; the review process to determine their acceptability will focus on a series of performance related issues including the adequacy of design to mitigate the negative impacts of traffic, noise, air pollution and nighttime activities.

4.1.6.6.1. Permitted and Conditional Uses

See **Table A** for the list of permitted and conditional uses in this district.

4.1.6.6.2. Other Requirements

See **Table B**

4.1.6.7: Downtown Business (DB)

The uses found in this district include all types of personal services, public and private offices, cultural facilities, a complete variety of shopping goods, as well as other uses related to a small town core area. Outdoor storage is not permitted, and any fabrication is limited to a small scale and must be conducted indoors. This district is intended to be applied when curb, gutters and sidewalks are in place. This Zone District also requires alleys for access, and utilities.

4.1.6.7.1. Permitted and Conditional Uses

See **Table A** for the list of permitted and conditional uses in this district.

4.1.6.7.2. Other Requirements (See Table B and below)

4.1.6.7.3. Additional

This district is intended to be applied when curb, gutters and sidewalks are in place. This Zone District also requires alleys for access, and utilities.

4.1.6.8: Commercial District (C)

These are areas of relatively large scale commercial use that will develop over time as significant locations for commercial services including a complete variety of comparative shoppers goods. These areas may also include some quasi industrial uses that are the result of changing land use patterns. The Commercial Zone District provides for certain types of commercial activities which have functional and economic relationships to a central business district. Such activities include wholesale suppliers, retail and supply warehouses, motor vehicle major repair and service dealers, farm and garden supply stores, public utility facilities and retail establishments related in a peripheral manner to those of the business area.

4.1.6.8.1. Permitted and Conditional Uses

See **Table A** for the list of permitted and conditional uses in this district.

4.1.6.8.2. Other Requirements

See **Table B**

4.1.6.9: Light Industrial District (LI)

The Light Industrial District is intended to provide a place for the conducting of any light industrial activity which is not likely to become a nuisance to surrounding areas, including but not limited to scientific research, manufacturing, compounding, assembling or treatment of products, distribution centers, food and beverage processing. The Light Industrial District is identified in anticipation of the need and demand for areas of non-offensive industrial use, where non-offensive uses may be conducted outside a building and the offensive impacts of industry can generally be confined within an enclosed building.

4.1.6.9.1. Permitted and Conditional Uses

See **Table A** for the list of permitted and conditional uses in this district.

4.1.6.9.2. Other Requirements (See Table B and below)

- (1) The Light Industrial Zone is intended to provide a place for the conducting of any light industrial activity which is not likely to become a nuisance to surrounding areas, provided however that:
 - (a) All impact generating uses shall be operated primarily within an enclosed building;

- (b) Dust, fumes, odors, refuse matter, smoke, vapor, noise, lights and vibrations shall be confined primarily to the premises of the lot on which such use is located;
 - (c) Outdoor storage areas shall be concealed from abutting streets and highways and from adjoining residential properties;
 - (d) Such activity does not create any danger to safety in surrounding areas and does not cause water pollution.
- (2) If a lot in a Light Industrial District adjoins an existing Residential District, screening shall be provided at the lot lines sufficient to protect, on a year-round basis, the privacy of adjoining residential uses.

4.1.6.10: Heavy Industrial District (HI)

The Heavy Industrial District identifies areas where manufacturing or storage with external impacts are occurring or are anticipated. Heavy Industrial is also contemplated in areas where oil and gas drilling and production operations occur. In the Heavy Industrial areas, the Zone will require conditional review of a number of uses. These reviews will focus on a full range of analysis to ensure that the use does not negatively impact the environment.

4.1.6.10.1. Permitted and Conditional Uses

See **Table A** for the list of permitted and conditional uses in this district.

4.1.6.10.2. Other Requirements (see Table B and below)

- (1) The Heavy Industrial District permits:
- (2) Any manufacturing operation or industrial use including salvage junk yards, which does not create any danger to safety in surrounding areas, does not cause water pollution as defined by the Colorado Revised Statutes.
- (3) Oil and gas drilling and/or production provided all oil and gas drilling and/or production operations, including all derricks, retaining pits, vacuum pumps, storage tanks, vehicle parking, structures, machinery and equipment to be used or designed to be used for such purposes shall be located at least six hundred (600) feet from schools, churches and dwellings on other lots, where the surface owners of such other lots are not a party to the oil and gas lease; and at least one hundred (100) feet from Town, County, State and Federal Highways.

- (4) If a lot in a Heavy Industrial District adjoins an existing Residential District, screening of at least six (6) feet in height shall be provided at the lot lines sufficient to protect, on a year-round basis, the privacy of adjoining residential uses.
- (5) All loading and unloading facilities facing a public road shall maintain a 100 foot setback from the public road.

4.1.6.10.3: Additional Requirements for all Business Districts (Commercial Business, Downtown Business, Resort and General Business)

- (1) Facilities for fabrication, processing or assembly of products directly related to the retail activity shall be permitted if incidental or accessory to permitted or approved conditional use.
 - (a) All impact generating uses shall be operated primarily within enclosed building;
 - (b) Dust, fumes, odors, refuse matter, smoke, vapor, noise, lights and vibrations shall be confined primarily to the premises of the lot on which such use is located;
 - (c) Outdoor storage areas shall be concealed from abutting streets and highways, and from adjoining residential properties;
 - (d) Such activity does not create any danger to safety in surrounding areas and does not cause water pollution.
- (2) All business, service, repair, storage or merchandise display on property abutting a lot in a residential/commercial business district shall be conducted wholly within an enclosed building unless screened from the residential/commercial business district by a sight obscuring fence permanently maintained at least six (6) feet in height, upon the request of the adjoining property owner or subsequent owners.
- (3) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any adjacent property or on any public right-of-way.
- (4) Motor vehicles, farm implement, boat, or trailer rental or sales lots shall be drained and surfaced with material suitable for all weather use except in those portions of the lot maintained as landscape areas.
- (5) All loading and unloading facilities facing a public road shall maintain one hundred (100) feet setback from the public road.

4.1.6.11: Planned Unit Development

The Planning and Zoning Commission and Town Board shall consider the following factors, criteria and standards in making their determination whether to approve a preliminary and final plan for a Planned Unit Development and related development plan and development guide:

- (1) Need for the proposed development.
- (2) The effect of the proposed Planned Unit Development upon the immediate area, including employee housing requirements.
- (3) Whether or not an exception from the zone requirements and limitations and from the subdivision regulation requirements and limitations is warranted by virtue of the design and amenities incorporated in the development plan and development guide.
- (4) That land surrounding the proposed Planned Unit Development can be planned in coordination with the proposed Planned Unit Development.
- (5) That the proposed Planned Unit Development is in conformance with the general intent of the Town Land Development Code.
- (6) That existing and proposed utility services are adequate for the proposed development and that the methods of financing, construction and maintenance are adequate.
- (7) That the Planned Unit Development creates a desirable and stable environment, and does not cause unacceptable, air, water, or noise pollution.
- (8) The suitability of both the overall Planned Unit Development design concept as well as the general phasing scheme.
- (9) Other relevant matters related to the Planned Unit Development as determined by the Town Board.

4.1.6.11.1. Planned Unit Development (PUD) Overlay

4.1.6.11.2. Purpose and Objectives

This section is enacted to encourage innovations in residential, commercial and industrial developments which:

- (1) Provide a greater variety in type, design and layout of buildings and open space;
- (2) Utilize land and public services more efficiently;
- (3) Benefit those who need lower cost housing;

- (4) Relate the type, design and layout to the particular site, thereby encouraging preservation of the site's natural characteristics.

The use of Planned Unit Development (PUD) provisions is dependent upon the submission of an acceptable plan, and satisfactory assurances that the Plan will be carried out.

4.1.6.11.3.Scope

- (1) Application for a Planned Unit Development (PUD) may be made for land located in any Zone district.
- (2) A PUD is not permitted on a parcel of land less than 2 acres in area.
- (3) The setback and lot width requirements shall not apply to Planned Unit Developments. In specific cases, the off-street parking requirements stated in **Title 4, Chapter 2** and the minimum lot area may be reduced. These requirements shall be controlled by the criteria and standards and as shown on the approved Planned Unit Development plan.

4.1.6.11.4.Type of Planned Unit Developments

The following types of Planned Unit Developments may be established by overlaying a PUD development plan over the applicable existing zoning district or districts. A zone change is not required, however, each Planned Unit Development requires a public hearing and the development plan must be approved by the Board of Trustees: The overlays are as follows:

- (1) PLANNED UNIT DEVELOPMENT - RESIDENTIAL (PUDR) over Rural Residential (RR), Residential (R), Medium Density Residential (MDR), Mobile Home (MH) and Recreational Vehicle (RV).
- (2) PLANNED UNIT DEVELOPMENT - COMMERCIAL (PUDC) over Commercial (C), Commercial Business (CB), Downtown Business (DB), and Light Industrial (LI).
- (3) PLANNED UNIT DEVELOPMENT - INDUSTRIAL (PUDI) over Commercial (C), Light Industrial (LI) and Heavy Industrial (HI).
- (4) PLANNED UNIT DEVELOPMENT - ECONOMIC DEVELOPMENT (PUD-ED) over any Zone District.

The PUD-ED is created to provide for the planning and development of substantial parcels of land which are suitable in size, location and character for uses that will support town economic development efforts in accordance with a comprehensive development plan and development

guide. The PUD-ED may consist of any approved combination of permitted or conditional Zones, including all uses identified in the use tables and permitted in the various zone districts in the Town of South Fork. The uses permitted in a PUD-ED shall be those established by the Town Board through approval of the development plan and development guide. Utilization of the PUD-ED process is limited to developments in excess of 10 acres in size.

4.1.6.11.5. Permitted Uses and Density - PUDR

It is the intent of these Zone Regulations that any property may be developed as a PUD provided it meets minimum size and other applicable requirements. Within a PUD the following uses and densities will be permitted subject to the approval of the Town Board:

(1) Permitted Uses

- (a) Uses permitted by right or permitted by conditional use review in the underlying Zone district or districts.
- (b) In the RR, R, MDR, RV and MH zones, commercial and commercial resort/tourist uses are permitted subject to approval of the PUD plan and provided they do not occupy more than three and one-half percent (3-1/2%) of the net total (total area of the PUD minus roads) PUD area. Commercial uses shall not exceed a total of 60,000 gross square feet of building area.
- (c) Approved commercial uses, including parking, shall be included as an integral part of the PUD.

(2) Density

The total number of dwelling units permitted in a PUD shall be determined by dividing the net (total area - roads) area devoted to housing and usable open space by the minimum lot area requirements of each of the underlying district or districts as indicated in Table B, or as approved by the Town Board.

4.1.6.11.6. PUD Standards

The following provisions apply to all Planned Unit Developments EXCEPT PUD-ED:

- (1) The setback and lot width requirements as stated in this Article shall not apply to Planned Unit Developments;
- (2) The number of off-street parking spaces in each Planned Unit Development must not be less than the requirements as stated in **Title 4, Chapter 2**, except that the Town Board may increase or

decrease the required number of off-street parking spaces, taking into consideration the following factors:

- (a) Probable number of cars owned by occupants of dwellings in the Planned Unit Development.
 - (b) Parking needs of any non-dwelling uses.
 - (c) Varying time periods of use and whatever joint use of common parking areas is proposed.
 - (d) Whenever the number of off-street parking spaces are reduced because of the nature of the occupancy, the Town Board shall obtain assurance that the nature of the occupancy will not change.
- (3) The minimum lot area requirements as stated in **Title 4, Chapter 5**, shall apply to the Planned Unit Development except that the Town Board may reduce such requirements if common and/or dedicated open space is provided or if design of amenities provided in the Planned Unit Development warrant an increase in density or a reduction of lot size. Through clustering or other similar building configurations, densities may exceed the underlying zone within sub areas of the Planned Unit Development; provided however, the minimum lot area per dwelling unit, minus building coverage, calculated for the entire Planned Unit Development may not be reduced by more than one-fourth. A reduction in lot area per dwelling unit shall not be permitted if such reduction would be detrimental to the character of the proposed Planned Unit Development or the character of the surrounding area.
- (4) Signs not conforming to the signing requirements in effect for the underlying zone, must be approved by the Town Board.
- (5) All other requirements applicable to the underlying zone district or districts not addressed in the Planned Unit Development shall apply.
- (6) The Town Board must be satisfied that the development plan has met with each of the following criteria or can demonstrate that one or more of them is not applicable and that a practical solution consistent with public interest has been achieved for each of these elements:
- (a) There is an appropriate relationship to the surrounding area.
 - (b) Internal street circulation system is designed for the type of traffic generated, safety, separation from living areas, convenience, access and noise and exhaust control.

Proper circulation in parking areas in terms of safety, convenience, separation and screening is provided for.

- (c) Functional open space in terms of optimum preservation of natural features including trees and drainage areas, areas of excessive slope, recreation, views, density relief, convenience and function.
- (d) Variety and privacy in terms of needs of individuals, families and neighbors.
- (e) Pedestrian and bicycle traffic in terms of safety, separation, convenience, access points of destination and attractiveness.
- (f) Building types in terms of appropriateness to density, site relationship and bulk.
- (g) Building types in terms of orientation, spacing, materials, color and texture, storage, signs and lighting.
- (h) Landscaping of total site in terms of purpose such as screening, ornamental types used and materials uses, if any; maintenance, suitability and effect on the neighborhood.
- (i) Need for the proposed development.
- (j) Whether or not an exception from the Zone resolution requirements and limitations and from the subdivision regulation requirements and limitations is warranted by virtue of the design and amenities incorporated in the development plan and development guide.
- (k) That land surrounding the proposed Planned Unit Development can be planned in coordination with the proposed Planned Unit Development.
- (l) That the proposed changes within the Planned Unit Development are in conformance with the general intent of the Town Land Development Code.
- (m) That existing and proposed utility services are adequate for the proposed development and that the methods of financing, construction and maintenance are acceptable.
- (n) That the Planned Unit Development creates a desirable and stable environment, and does not cause unacceptable air, water, light or noise pollution.

- (o) The suitability of both the overall Planned Unit Development design concept as well as the general phasing scheme.
- (p) Other relevant matters related to the Planned Unit Development as determined by the Town Board.

4.1.6.11.7. Amendment of the Final PUD Plan

No changes may be made in the approved final plan and/or approved development guide during the construction of the planned development except upon application to the Town Board under the procedures provided.

4.1.6.11.8. PUD Construction Procedures and Zoning Permits

Provided the time limit established by the approved Development Plan has not passed, the official designated by the Town shall issue zoning permits for buildings and structures in the areas covered by the approved final Development Plan and/or approved Development Guide. The approved Development Plan and Development Guide must be recorded if permits are to be issued.

If the time limit established by the development plan has passed, no zoning permits shall be issued until after the Town Board has reviewed the development plan and a new development guide has been established.

4.1.6.12: Highway Corridor 149/160 Overlay Zone

The Town of South Fork has established a Highway Corridor 149/160 Overlay Zone which will function to continue to allow development along the highway corridors while maintaining the scenic values and vistas visible from the corridors. At the same time the overlay zone will serve as a method whereby the visual image of the Town along the highway corridors can be preserved and enhanced. Due to the fact that the foothill setting of the Town is one of the primary factors motivating tourist travel to the area it is important that development along the corridors be of a nature that does not detract from or block the scenic values associated with the corridors.

The Town finds that excessive similarity, dissimilarity, or poor quality design of any building adversely affects the desirability of the immediate area and the community as a whole.

4.1.6.12.1. Guidelines for Highway Corridor 149/160 Overlay Zone

The overlay architectural guidelines will preserve the character of existing buildings while providing a means of encouraging and developing a consistent image along the corridors.

Listed below are the guidelines for the Corridor Overlay Zone:

- (1) This Zone overlays the properties on both sides of Highway 160 and Highway 149. If a lot is adjacent to or within two hundred (200) feet of the highway corridor the overlay will apply.
- (2) The corridors are important to both the commercial livelihood of the Town as well as to the tourists who travel the corridors and visit the Town. These corridors convey the primary image of the Town of South Fork and with this in mind, guidelines are presented below:

4.1.6.12.2. Architectural Compatibility

- (1) Exterior building materials and colors shall not unduly contrast with the site's background and selected exterior colors and/or color schemes shall not adversely impact the immediate area or community as a whole.
- (2) On structure facings or sides exposed to streets or highways, the use of natural materials such as logs, timbers, wood siding and stone, or artificial composition (metal, clay, fiberglass, masonite, etc.) that give the appearance of natural products, are required because they reflect the rural, western, mountain setting of the Town. Stucco of western style (not southwestern style) is accepted. Roof materials must be non-reflective and blend into the site's backdrop as much as possible. Inappropriate exterior building materials include, but are not limited to, non-textured exposed concrete, untextured or unfinished unit masonry, highly reflective glass (mirrored glass), reflective metal roof, and unfinished plywood.
- (3) Buildings or structures which are screened year round so as not to be visible from the highway are exempt from the restrictions of this Section.

4.1.6.12.3. Building Height

The height of a building has many impacts on the community. Buildings that are too tall can block views, light, air, and in some cases, solar radiation, to other properties. The height of new buildings shall be controlled to minimize the negative impacts on the community. To meet this requirement, new developments shall comply with the following three (3) criteria:

- (1) Architectural Compatibility: The height of all buildings are to be architecturally compatible with the neighborhood.

- (2) General Character: The height of all buildings shall be in compliance with the height standards established for the Zone District in which the project is situated.
- (3) Scenic Values and Views: Buildings shall not be of such height so as to block, destroy, or degrade the scenic values as seen from other sites. This is especially important along Colorado Route 149 which has been designated a Scenic Byway.

4.1.6.12.4. Site Design

The Town finds that it is in the public interest for all sites within the Highway Corridor 149/160 Overlay Zone to be designed, arranged, and developed in a safe, efficient, and aesthetically pleasing manner. The arrangement of all functions, uses, and improvements shall reflect the natural capabilities and limitations of the site, as well as the characteristics and limitations of adjacent properties. The various structures, use areas, functions, and elements of the site design shall be integrated by design into a unified whole. Taking into consideration the basic character of the site and the nature of the proposed uses, the development shall be visually harmonious as perceived from both the interior and exterior of the project.

- (1) Grading and tree cutting for access and drainage. Site developments shall be designed to minimize cut and fill areas, particularly those areas most visible from off site. Grading large areas to create a flat *benched* building pad is prohibited.
- (2) Driveways and other traffic circulation systems shall work with and conform to the natural topography. Cut and fill slopes must be kept to a minimum, and the site, when viewed from adjacent properties, shall be integrated into its natural surroundings.

4.1.6.12.5. Storage

- (1) All types of storage areas must be screened from public view and from the view of surrounding areas in an aesthetic manner as required by the Land Development Code for the specific Zone Districts. This shall include the screening of materials and equipment used by the business.
- (2) Screening must be accomplished through the use of natural materials. Strategic placement of non-deciduous shrubs and trees can provide effective screening. Unacceptable screening materials include, but are not limited to, solid metal fencing and chain link fencing with privacy slats. If screening has been accomplished through the use of a wooden privacy fence non-deciduous shrubs and trees must be placed along the frontage so as to break the visual line of the screening and provide a visually pleasing facade.

4.1.6.12.6. Landscaping

The Town finds that it is in the public interest for all developments to provide landscape improvements for the purposes of complimenting the natural landscape and retaining the sense of a mountain environment.

- (1) All surface areas designated on the site plan that will not be a hard surface shall be planted with adequate ground cover. The use of indigenous grasses, trees, and shrubs is encouraged to maintain the natural mountain setting of the Town.
- (2) Where feasible, and with Colorado Department of Transportation's permission, along the highway corridors, landscape treatment shall be applied from the edge of the roadway to the property lot line.

4.1.6.12.7. Lighting

Site lighting shall be of such a nature as to provide the needed amount of illumination to provide safety without being detractive from the visual aesthetics of the site. The use of low wattage, shaded, directed lighting is strongly encouraged. Refer to specific requirements for individual Zone Districts.

4.1.6.12.8. Fencing and Walls

Although the Town recognizes the need for fencing to protect property, to provide safety and privacy, or to fulfill a screening requirement, fencing shall be used in a manner that is aesthetically and visually pleasing.

- (1) To fulfill screening requirements along the corridors non-deciduous landscaping materials of a height suitable to meet the screening needs are to be used.
- (2) Solid (privacy) wood fences are encouraged for screening parking and storage.
- (3) Unacceptable fencing materials include, but are not limited to, untextured concrete block, plastic, fiberglass, plywood, and/or solid metal i.e., corrugated metal

4.1.6.12.9. Remodeling

In order to achieve a consistent image and character of the Town along the highway corridors it is strongly encouraged that when the exterior of an existing structure is remodeled that the remodeling effort be undertaken in a manner that is consistent with and complies with the suggestions put forth within **Chapter 1, Section 6.12** of this Code.

4.1.6.13: Flood Hazard Overlay

4.1.6.13.1. Findings of Fact

- (1) The flood hazards areas of the Town of South Fork are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

4.1.6.13.2. Statement of Purpose

It is the purpose of this Code to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

4.1.6.13.3. Lands to which this Code Applies

This Code shall apply to all areas of special flood hazards within the jurisdiction of the Town of South Fork.

4.1.6.13.4. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Rio Grande County, Colorado," dated May 19, 1987, with an accompanying Flood Insurance Rate Map (FIRM) is hereby adopted by reference and declared to be a part of this Regulation. The Flood Insurance Study and FIRM are on file at the Town Planners Office.

4.1.6.13.5. Compliance

No structure or land shall hereafter be contracted, located, extended, converted or altered without full compliance with the terms of this Code and other applicable regulations.

4.1.6.13.6. Abrogation and Greater Restrictions

This Code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Code and another regulation, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

4.1.6.13.7. Interpretation

In the interpretation and application of this Code, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under State Statutes.

4.1.6.13.8. Warning and Disclaimer of Liability

The degree of flood protection required by this Code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Large floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Code does not imply that land outside of the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Code shall not create liability on the part of the Town of South Fork, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this Code or any administrative decision lawfully made there under.

4.1.6.13.9. Establishment of Development Permit

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in **Title 4, Chapter 1, Section 6.13.4**. Application for a development permit shall be made on forms furnished by the Town and may include, but not be limited to:

- (1) Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.
- (2) Specifically, the following information is required:
 - (a) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
 - (b) Elevation in relation to mean sea level to which any structure has been flood proofed;
 - (c) Certification that any non-residential structure meet the flood proofing criteria in **Title 4 Chapter 1, Section 6.13.14**; and
 - (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.1.6.13.10.Designation of the Town Planner

The Town Planner is hereby appointed to administer and implement this Code by granting or denying development permit applications in accordance with its provisions.

4.1.6.13.11.Duties and Responsibilities of the Town Planner

- (1) Permit Review
 - (a) Review all development permits to determine that the permit requirements of this regulation have been satisfied.
 - (b) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this regulation, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevations of the base flood more than one foot at any point.
 - (c) Review all development permits to determine that all necessary permits have been obtained from those Federal,

State or Local governmental agencies from which prior approval is required.

(2) Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with **Section 6.13.4. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**, the Town Planner shall obtain, review, and reasonably utilize any base flood elevation and flood way data available from a Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other development are administered in accordance with **Chapter 1, Section 6.13.18, SPECIFIC STANDARDS**.

(3) Information to be Obtained and Maintained

- (a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (b) For all new or substantially improved flood proofed structures:
 - i. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood proofed.
 - ii. Maintain the flood proofing certifications required in **Title 4, Chapter 1, Section 6.13.18 (2) (a)**
- (c) Maintain for public inspection all records pertaining to the provisions of this Code.

(4) Alteration of Watercourses

- (a) Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(5) Interpretation of FIRM Boundaries

Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual filed condition). The person contesting the location of

the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in **Chapter 1, Section 6.13.12.**

4.1.6.13.12.Variance Procedure for Chapter 1, Section 6.13

(1) Board of Adjustments

The Board of Adjustment, shall hear and decide appeals and requests for variances from the requirements of **Chapter 1, Section 6. 13.** The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Town Planner in the enforcement or administration of this Code. Those aggrieved by the decision of the Board of Adjustment may appeal such decision to the District Court, as provided in Rule 106, Colorado Rules of Civil Procedure. In passing judgment, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this regulation, and:

- (a) The danger that materials may be swept onto other lands to the injury of others;
- (b) The danger to life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity to the facility of a waterfront location, where applicable;
- (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (g) The compatibility of the proposed use with the existing and anticipated development;
- (h) The relationship of the proposed use to the Town of South Fork Land Development Code and the Rio Grande County flood plain management program for that area;
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

Upon consideration of the above factors of this Section and the purpose of this regulation, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation. The Town Planner shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

(2) Conditions for Variances

- (a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing items (a)-(k) in **Chapter 1, Section 6.13.14** have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.
- (b) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
- (c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (e) Variances shall only be issued upon:
 - i. a showing of good and sufficient cause;
 - ii. a determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or

victimization of the public as identified in items (a)-(k) in **Chapter 1, Section 6.13.18.**

- (f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

4.1.6.13.13. Anchoring

In all areas of special flood hazards, the following standards are required:

- (1) All new construction and substantial improvements shall be ANCHORED to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
- (2) All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over the top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:
 - (a) Over the top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie per side;
 - (b) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four additional ties per side;
 - (c) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and,
 - (d) Any addition to the manufactured home be similarly anchored.

4.1.6.13.14. Construction Materials and Methods

- (1) All new construction and substantial improvements should be constructed with materials and utility equipment resistant to flood damage.

- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) All new construction and substantial improvements should be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other services facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4.1.6.13.15.Utilities

- (1) All new and replacement water supply systems should be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) New and replacement sanitary sewage systems should be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- (3) On site waste disposal systems should be located to avoid impairment to them or contamination from them during flooding.

4.1.6.13.16.Subdivision Proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development within the flood plain.

4.1.6.13.17.Encroachments

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

4.1.6.13.18.Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in **Chapter 1, Section 6.13.4** Basis for Establishing the Areas of Special Flood Hazard or **Chapter 1, Section**

6.13.11(2) Use of Other Base Flood Data, the following provisions are required:

(1) Residential Construction

New construction and substantial improvements of any residential structure shall have the lowest floor (including basement) elevated to a minimum of one (1) foot above the base flood elevation.

(2) Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to a minimum of one (1) foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (a) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to passage of water. A registered professional engineer or a registered professional architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design methods of construction are in accordance with accepted standards of practice.
- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or a registered professional architect or must meet or exceed the following minimum criteria:
 - i. A minimum of two openings having a total net area of not less than one square foot of enclosed area subject to flooding shall be provided;
 - ii. The bottom of all openings shall be no higher than one foot above grade; and,
 - iii. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
- (c) Be certified by a registered professional engineer or registered professional architect that the standards of this subsection are satisfied.
- (d) Manufactured Homes

- i. Manufactured homes shall be anchored in accordance with **Chapter 1, Section 6. 13.13(2)**.
- ii. All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is a minimum of one (1) foot above the base flood elevation and is securely anchored to an adequately anchored foundation system.

4.1.7: Supplemental Provisions

4.1.7.1. Projections from Buildings

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, solar collectors, and other similar architectural features may project not more than three (3) feet into a required setback or into required open space as established by coverage standards.

4.1.7.2. General Exceptions to Lot Size Requirements

- (1) If, at the time of passage of the original Code, a lot or lots held in a single ownership, has an area or dimension which does not meet the lot size requirements of the district in which the property is located, the lot or lots may be occupied by any use permitted outright in the district subject to the other requirements of the district, and providing, if there is an area deficiency, a residential use shall be limited to a single family residence.
- (2) The minimum lot requirements of Residential Zone District shall not apply to utility installations such as electric substations, electric generating stations, sewer lift stations, telephone exchanges, gas regulators, and major transmission lines (not including utility offices, repair, storage or production facilities).

4.1.7.3. Exceptions to Setback Requirements

The following exceptions to the setback requirements for a building is authorized for a lot in the Commercial Business, or Commercial Districts. If there are buildings on both abutting lots with setbacks of less than the required depth for the district, the setback for the lot need not exceed the average setback of the abutting buildings. If there is a building on one abutting lot with a setback of less than the required depth for the district, the setback for the lot need not exceed a depth one half way between the depth of the abutting lot and the required setback depth.

4.1.7.4. General Exceptions to Building Height Limitations

The following type of structures or structural parts are not subject to the building height limitations of these Regulations: Chimneys, storage tanks, water towers, church spires, belfries, domes, monuments, fire and hose towers, observation towers, utility poles, transmission towers, flag poles, radio and television towers, masts, aerials, cooling towers, elevator shafts, grain elevators, ranch and farm accessory uses, solar collectors, and other similar projections.

4.1.7.5. Vision Clearance

Vision clearance areas shall be provided with the following distance establishing the size of the vision clearance area:

In all Zone Districts the minimum distance shall be twenty five (25) feet or, at all times ten (10) feet, except that when the angle of intersection between streets is less than thirty (30) degrees, the distance shall be thirty (30) feet.

4.1.7.6. Screening

Salvage junk yards shall be screened with an eight (8) feet high opaque, solid fence or earth berm so as to provide visual and aural separation between such use and adjacent areas.

4.1.7.7. Fences, Walls and Hedges

- (1) Fences, walls and hedges may be permitted in any required setback, or along the edge of any setback, provided that within any required vision clearance areas established in Section 7.5, no fence, wall or hedge shall be over three and one half (3 ½) feet in height closer than twenty-five (25) feet to a public right of way. The only exception to the foregoing shall be that fences at least eighty (80) percent open, may be erected closer than twenty-five (25) feet to any property line parallel or perpendicular to a public right of way.
- (2) Fences, walls and hedges shall not exceed eight (8) feet in height in residential districts (areas excluded above) except for approved conditional uses.

4.1.7.8. Extractive Industries, Salvage Junk Yards, Commercial Feedlots, Kennels and Animal Hospitals

Extractive industries, salvage junk yards, commercial feedlots, kennels and animal hospitals shall be located a minimum of six hundred sixty (660) feet from any Residential Zone District.

4.1.7.9. Swimming Pools

A swimming pool may be permitted through the issuance of a land use permit in any district as an accessory use subject to the following additional requirements:

- (1) No swimming pool will be located in a front or side setback abutting a street.
- (2) Swimming pools will be provided with safeguards to prevent children from uncontrolled access to any pool containing water.
- (3) All swimming pools must comply with all Codes.

4.1.7.10. Junk Vehicles

It shall be illegal to keep or store upon any premises in the following Zone Districts: Rural Residential, Residential, Medium Density Residential, Mobile Home, Recreational Vehicle, Commercial Business and Downtown Business any motor vehicle which is inoperable, unlicensed or which is being junked, dismantled or wrecked unless said vehicle is located within an enclosed building or behind a totally sight obscure enclosed fence.

4.1.7.11. Off-Street loading/unloading

- (1) Passenger, A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.
- (2) Merchandise, materials, or supplies: Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of these regulations shall not be used for loading and unloading.

4.1.7.12. Drive-in Facilities

Any use permitted in a Zone District which intends to conduct a portion or all of its business with persons desiring to remain in their automobiles, or which allows products to be consumed on the premises outside the principal building and which is not subject to the conditional use review provisions of **Chapter 1, Section 5.5.1** or is not part of a Planned Unit Development, must submit a site plan to be reviewed and approved by the Town. In reviewing and approving the site plan for such a use, the Town must be satisfied that the traffic circulation on and adjacent to the site conforms to the following criteria:

- (1) Traffic circulation shall be arranged so that internal pedestrian and vehicular movements are compatible and traffic hazards are minimized.

Traffic circulation, ingress and egress shall be arranged so as to avoid hazardous or adverse effects on adjacent sites and streets.

4.1.7.13. Storage and Parking of Recreational Vehicles and Commercial Vehicles

Commercial vehicles and recreational vehicles shall not be parked or stored on any lot in any residential district except in accordance with the following provisions:

- (1) Not more than two (2) commercial vehicles less than 10,000 GVW shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, liquefied petroleum products, or other Hazardous Materials be permitted.
- (2) Recreational vehicles shall not be parked or stored unless located behind the front and side setback lines. A recreational vehicle or travel trailer shall not be occupied permanently while it is parked or stored in any area within the Town, except in a Recreational Vehicle park.

4.1.7.14: Nonconforming Uses, Structures, Lots

4.1.7.14.1. Definition

A lawful structure or lawful existing use at the time this Code, or any amendments thereto, become effective which does not conform to the requirements of the land use in which it is located. Any use which is unlawful prior to the adoption of this Code shall remain an unlawful use and be subject to enforcement contained in this Code.

4.1.7.14.2. Continuance of Nonconforming Uses or Structures

- (1) A nonconforming use lawfully in existence prior to the adoption of this Code shall be allowed to continue as a nonconforming use despite transfer of ownership.
- (2) Structures lawfully existing prior to adoption of this Code may be maintained in reasonable repair and subject to minor alterations and shall be exempt from this Code. This exempt status is conditional to the fact that alterations will not result in further violations of this Code.

- (3) A structure conforming as to use but nonconforming as to height, setback, or lot coverage may be altered or extended providing the alteration or extension does not result in further violation of this Code.

4.1.7.14.3. Discontinuance of Nonconforming Uses or Structures

- (1) When a nonconforming use is discontinued for a period of one (1) year, such use of the area shall be discontinued, and further use of the property shall be for a conforming use.
- (2) An existing use including a salvage junk yard which is nonconforming with respect to provisions for screening shall be discontinued if such screening is not provided within such time as is prescribed or later adjusted by the Town Board.
- (3) A nonconforming use may not be changed to another nonconforming use.
- (4) If a nonconforming structure or a structure containing a nonconforming use is destroyed by fire, flood, wind, explosion or act of God to an extent exceeding fifty (50) percent of the cost of replacement of the structure using new materials, a future structure or use on the property shall conform to the provisions of this Code.
- (5) If destruction is determined to be less than fifty (50) percent, restoration must be started within twelve (12) months of such calamity and completed within twenty-four (24) months of initiating restoration.

4.1.7.14.4. Completion of Structure or Building

Nothing contained in this Code shall require any change in the plans, construction, alteration, or designated use of a building for which construction work has commenced prior to the adoption of this Code, except that if the designated use will be nonconforming, it shall, for the purposes of **Chapter 1, Section 5.5**, be a discontinued use if not in operation within two (2) years.

4.1.7.14.5. Nonconforming Lots of Record

In any district in which one-unit dwellings are permitted, a single family residence and customary accessory buildings may be erected on any single lot of record which exists as such at the time of adoption of this Code. This provision shall apply even though such lots fail to meet the requirements of the district in which it is located for area, or width, or both, provided, however, that the requirements of the district for minimum setback dimensions shall be met unless a variance to said requirements has been granted by the Board of Adjustments.

4.1.7.15: Individual Mobile Homes/Recreational Vehicles

(1) On Public Rights-of-Way

No mobile home or recreational vehicle shall be parked or permitted to stand upon a public street, highway, road, alley or other such right-of-way for more than a twenty-four (24) hour period, it shall be parallel to the edge of the right-of-way safely out of the flow of moving traffic.

(2) Recreational Vehicle Storage in Mobile Home and Residential Zone Districts

No recreational vehicle shall be stored in any required front or side setback as specified for principal buildings by applicable zoning regulations.

(3) Occupied on Private Property

(a) Mobile Homes are not permitted on private lots

(b) Recreational vehicles and camping units shall not occupy a site as permanent living quarters. They may be stored in every Zone District but not as permanent living quarters.

(4) On Public Property

Parking of recreational vehicle or camping units on public property in any National Forest, city park, or in public roadside parks shall be in accordance with posted signs and instructions in such parking areas, and with existing regulations of the federal agencies and local governing agencies.

4.1.7.16 Tents, Canopies, Teepees, Membrane Structures, Yurts. Etc.

Temporary membrane structures, tents and canopies may be used for a period of not more than 180 days within a 12-month period on a single premises and then shall be completely removed.

These structures shall be adequately braced and anchored to prevent weather related collapse. Documentation of structural stability shall be furnished on request.

4.1.7.17 Home Occupation

If the application is for a home occupation, the applicant must include:

- (1) A list of owners of properties located within three hundred (300) feet of the subject property in Rural Residential Zone Districts and within five hundred (500) feet in all other Zone Districts, along with the current addresses of all such owners as listed with the Rio Grande County Assessor.
- (2) The legal description of the site of the home occupation.
- (3) The proposed nature of the home occupation.
- (4) Hours of operation
- (5) Area of use, parking, loading and unloading requirements.
- (6) Anticipated traffic changes.
- (7) Anticipated exterior changes to the existing property.
- (8) A nonrefundable processing fee shall be submitted at the time of application.
The amount of the fee shall be set by the Town Board.

A home occupation shall not be commenced until such time as a permit for the use is obtained from the Town Planner. Said permit shall require that the applicant complete an application form provided by the Town of South Fork. Home occupations deemed to be a cause for concern by the neighborhood will be required to obtain a Conditional Use Permit and follow the Conditional use procedures for granting that permit.

- (1) If a home occupation is denied because certain conditions or provisions of the Land Development Code were not met, the Town Planner shall specify those provisions.
- (2) A home occupation permit may be revoked by the Town Board for noncompliance with this Code.

4.1.8: Examples of Required Statements and Forms

- 4.1.8.1. The following statements represent required statements to be used on documents submitted to the Town:

NOTICE

Public notice is hereby given that acceptance of this platted subdivision by the Town of South Fork does not constitute an acceptance of the road and rights of way reflected for maintenance by said Town.

Until such roads and rights of way meet Town street standards and are specifically accepted by the Town by recording with the Clerk and Recorder of Rio Grande County an Official "ACCEPTANCE", the maintenance, construction and all other

matters pertaining to or affecting said roads and rights of way are the sole responsibility of the owners of the land embraced within this subdivision.

Notice is further given that no building permit will be issued by officials of the Town for improvements of any nature on any property reflected on this platted subdivision until such time as the "ACCEPTANCE" of this subdivision as hereinabove described has been filed or recorded with the Clerk and Recorder of Rio Grande County and applicable utilities are installed.

Certification of Final Plat, as outlined below:

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT (a Colorado Corporation.) is the owner of that real property situated in the Town of South Fork, Colorado and lying within the exterior boundary of (Subdivision Name)

THAT it has caused said real property to be laid out and surveyed as (Subdivision Name) , and does hereby dedicate and set apart all of the streets, alleys, and other public ways and places as shown on the accompanying plat to the use of the public forever and hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements for purposes shown on aid plat.

IN WITNESS WHEREOF (Corporation Name) has caused its name to be hereunto subscribed by its President and its Corporate Seal to be hereunto affixed, attested by its Secretary, this ____ day of ____ A.D. 20__.

 (Corporation Name)

 (President)

ATTEST:

 Secretary

STATE OF COLORADO)
COUNTY OF RIO GRANDE)SS

The forgoing instrument was acknowledged before me ____ day of _____, A.D. 20. by President's Name , (a Colorado Corporation.)

My commission expires _____.

SURVEYOR'S CERTIFICATE

I, (Surveyor's Name) , a duly registered land surveyor in the State of Colorado, do hereby certify that this plat of (Subdivision Name) truly and correctly represents the results of a survey made by me or under my direct supervision.

Surveyor
(Surveyor's stamp shall appear
on with this certificate.)

PLANNING COMMISSION CERTIFICATE

Approved this _____ day of A.D. 20, Planning Commission, Town of
South Fork, Colorado.

Chairman

TOWN CERTIFICATE

Approved this _____ day of A.D. 2000, Town Board, Town of South
Fork, Colorado. This approval does not guarantee that the size or soil conditions of
any lot shown hereon are such that a building permit may be issued. This approval
is with the understanding that all expenses involving necessary improvements for
all utility services, paving, grading, landscaping, curbs, gutters, street lights, street
signs and sidewalks shall be financed by others and not the Town of South Fork.

Mayor

Attest: _____
Town Clerk

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF RIO GRANDE)SS

I hereby certify that this instrument was filed in my office at _____ o'clock,
A.D. 20 and is duly recorded in Book No. ____ Page No. ____

Fees _____ paid

Recorder

Deputy

4.1.9: Commissions, Boards, and Staff

4.1.9.1. Planning Commission

The Town of South Fork Planning Commission is hereby established.
The operation of the Planning Commission shall be governed as follows:

4.1.9.1.1. Membership

The Planning Commission will consist of three regular and two ex-officio members. All members shall be residents of and real property owners in the Town of South Fork. Members will be appointed by the Mayor of South Fork for a term of six years and until respective successors have been appointed. The terms of office shall be staggered. The filling of vacancies and the removal of members for non-performance of duty or misconduct shall be administered by the Town Board, as stated in the C.R.S.

4.1.9.1.2. Organization

The Commission shall adopt rules of organization and procedures necessary to conduct its affairs.

4.1.9.1.3. Compensation

The members of the Planning Commission shall receive such compensation as may be fixed by the Town Board, as well as reimbursement for actual expenses incurred in the performance of their duties.

4.1.9.1.4. Duties

The Planning commission shall be the land use planning group for the Town. The Commission will serve as an investigative and advisory group to the Town Board in the administration of land use regulations, including preparation of needed amendments and additions to the regulations. It may also advise the Board on any other land use decisions when requested to do so by the Board.

The Planning Commission will use the standards set forth in this Code when considering all matters brought before it for review.

4.1.9.2: Board of Adjustment

4.1.9.2.1. Establishment and Organization

The Board of Adjustment is hereby established. The word "Board" when used in this section shall be construed to mean "Board of Adjustment."

- (1) The Board of Adjustment shall consist of five (5) members and a nonvoting secretary who shall be appointed by the Town Board.

Not more than one (1) member may be current members of the Planning Commission.

- (2) Appointments of the Board of Adjustment shall be for a period of three (3) years, except when vacancies occur prior to the expiration of a regular term, they shall be filled in the same manner as regular appointments, but shall serve only until the expiration of the term in which the vacancy occurred. In addition to the regular members of the Board, the Town Board may appoint two (2) alternate members for staggered three (3) year terms. In the event that any regular member be temporarily unable to act owing to the absence from Town, illness, interest in a case before the board or any other cause, his place may be taken during such temporary disability by an alternate member who shall enjoy full voting privileges.
- (3) Members of the Board of Adjustment shall elect from among their members a Chairman to serve for a term of one year.
- (4) The concurring vote of four (4) members of the Board shall be necessary to revoke any order, requirement, decision or determination of any administrative official charged with the enforcement of this Code or to decide in favor of the applicant any matter upon which it is required to pass under this Code or to effect any variation in this Code.
- (5) The Town Board shall have the power to remove any member of the Board of Adjustment for cause after official public hearing in which the member shall have the right to counsel and to confront hostile witnesses.

4.1.9.2.2. Proceedings of the Board of Adjustment

- (1) The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Code, which rules shall also provide for meetings of the Board. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meeting shall be open to the public.
- (2) The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each decision, or if absent, or failing to vote, indicating such fact, all of which shall be a public record and immediately filed in the Office of the Town Clerk.

4.1.9.2.3. Powers of Board of Adjustment

The Board of Adjustment shall have the following powers:

- (1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of this Code. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from.
- (2) To grant or deny variances from the provisions of these Regulations when the strict application of this Code would result in particular and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property. The Board may authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Code. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Code. However, the Board may not grant variances from the provisions of this Code covering the use of land or buildings or the provisions governing planned unit development. In granting or denying variances, the Board shall consider the following criteria and standards:
 - (a) Whether there are unique physical circumstances or conditions such as exceptional irregularity, narrowness or shallowness of a piece of property, or whether there are exceptional topographic or other physical conditions of other extraordinary and exceptional situations or conditions peculiar to the affected property.
 - (b) Whether the unusual circumstances or conditions exist through the neighborhood or district in which the property is located.
 - (c) Whether such unnecessary hardship has not been created by the applicant.
- (3) To grant or deny special exception to land use regulations for the purpose of providing access to sunlight for solar energy devices.
- (4) To interpret the zoning maps and pass upon disputed questions of lot lines, district boundary lines, or similar questions as may arise in the administration of zoning regulations.

4.1.9.3: Designation of the Town Planner

The Town Planner is hereby appointed to administer and implement this regulation by granting or denying development permit applications in accordance with its provisions.

4.1.9.3.1. Duties and Responsibilities of the Town Planner

- (1) Permit Review
 - (a) Review all development permits to determine that the permit requirements of this Code have been satisfied.
 - (b) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this Code, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevations of the base flood more than one foot at any point.
 - (c) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or Local governmental agencies from which prior approval is required.

Chapter 4.2
OFF- STREET PARKING

Table of Contents

General Provisions (4.2.1)	129
Specific Standards (4.2.2)	129

4.2.1 Off-Street Parking-General Provisions

- (1) The provisions and maintenance of adequate off-street parking and loading spaces is a continuing obligation of the property owner. No building permit or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use of property for which the building permit is issued. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this Code to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.
- (2) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

4.2.2. Off-Street Parking-Specific Standards

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any Zone District in the Town, off-street parking spaces shall be provided as required in the Article. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Article. Where square feet are specified, the area measured shall be the floor area primary to the functioning of the particular use of the property and shall exclude stairwells; elevator shafts; hallways; ornamental balconies; space occupied by heating air conditioning or other utility equipment; and space devoted to off-street parking or loading.

- (1) Residential Uses: Minimum Standards
 - (a) One unit dwellings: Two (2) spaces per dwelling unit.
 - (b) Multi-family dwellings (containing two or more dwelling units): Three (3) spaces per dwelling unit.
 - (c) Housing restricted to aged, disabled, etc: One space per dwelling unit.
- (2) Commercial Residential Uses: Minimum Standards
 - (a) Motel or Hotel: One (1) space per guest room or suite plus (1) additional space for owners or manager.
 - (b) Club or Lodge: Spaces to meet the combined requirements of the uses being conducted at any one time. One space

per guestroom, or one per three occupants, whichever is greater. One space per employee.

(3) Institutions: Minimum Standards

Rest Home, nursing home, retirement home and hospital: Three (3) spaces per two (2) beds which includes employees parking.

(4) Places of public assembly: Minimum Standards

(c) Church: One (1) space per two (2) seats or per four (4) feet of bench length in the main sanctuary.

(d) Library or Reading Room: Ten (10) spaces per four hundred (400) square feet of floor area plus one space per employee, or whichever is greater.

(e) Preschool nursery, day care school or kindergarten: Two (2) spaces per employee.

(f) Elementary, intermediate or junior high school: One (1) space per classroom plus one (1) space per administrative employee or one (1) space per four (4) seats or per eight (8) feet of bench length in the auditorium or assembly room, whichever is greater.

(g) High school: One (1) space per classroom plus one (1) space per administrative employee plus one (1) space per two (2) seats or per four (4) feet of bench length in the main auditorium.

(h) Vocational or commercial school: One (1) Space per two (2) seats in classroom

(i) Other auditoriums or meeting rooms: One (1) space per two (2) seats or four (4) feet of bench length.

(5) Commercial Amusements: Minimum Standards

(a) Stadium, arena or theater: One (1) space per two (2) seats or per four (4) feet of bench length.

(b) Bowling alley: Five (5) spaces per alley plus One (1) space per employee.

(c) Dance hall or skating rink: One (1) space per one hundred (100) square feet of floor area plus one (1) space per employee.

(6) Commercial, Commercial Business and Commercial Resort/Tourist: Minimum Standards

- (a) Retail store: Three (3) spaces per four hundred (400) square feet of patron serving area or two (2) spaces and one (1) space per employee whichever is greater.
- (b) Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture: Three (3) spaces per four hundred (400) square feet of patron serving area or two (2) spaces and one (1) space per employee whichever is greater.
- (c) Offices (except medical and dental): Three (3) minimum per office, or one (1) space per three hundred (300) square feet of floor area, plus one (1) space per employee whichever is greater.
- (d) Medical and dental clinic: One (1) space per two hundred (200) square feet of floor area plus one (1) space per employee.
- (e) Eating and/or drinking establishments: Two (2) spaces per table, one (1) per (2) bar stools, and one (1) per employee.
- (f) Mortuaries: One (1) space per four (4) seats or per eight (8) feet of bench length in chapels.

Chapter 4.3
Sign Regulations

Table of Contents

Purpose (4.3.1)	133
Permits (4.3.2)	133
Placement of Signs (4.3.3)	133
Other Requirements and Conditions (4.3.4)	133
Sign Exemptions (4.3.5)	134
Nonconforming Advertising Devices (4.3.6)	136
Sign Regulations Specific Zone Districts (4.3.7)	137

4.3.1: Purpose

The purpose of this Article is to define the kinds of signs and advertising devices that will be permitted in the various Zone Districts and the conditions and requirements under which they are permitted and maintained.

4.3.2 Permits

No person shall erect, alter or maintain an advertising device (sign) which is for the purpose of advertising to the public traveling on any Town road in the Town unless the device is erected and maintained in accordance with the provisions of these Regulations and a permit is obtained from the Town Board or their authorized agent; except the signs identified in **Chapter 4 Section 3.6** may be erected and maintained without a permit, but they shall comply with all the applicable provisions of this Article.

4.3.2.1. Permit Administration

- (1) Permit applications will be made to the Town Board or authorized agent on an application form provided. A processing fee in an amount set by the Town Board shall accompany the application.
- (2) A permit may be denied or revoked for false or misleading information given in the application, or for the erection or maintenance of the advertising device in violation of the provisions of these Regulations. Signs for which a permit has been revoked shall be removed as provided in this Code.

4.3.3. Placement of Signs

- (1) No sign shall be maintained at a location where by reason of its position, illumination, size, shape or color, may obstruct the view, or be confused with any traffic control sign or device or where it may otherwise confuse traffic.
- (2) No portion of any sign may extend past the property boundary.

4.3.4. Other Requirements and Conditions

- (1) No advertising device shall be erected which simulates any official, directional, or warning sign erected or maintained by the United State, State of Colorado, or the Town or which involves lights simulation or resembling traffic signals or traffic control signs.

- (2) No advertising device shall be nailed, tacked, posted or attached, in any manner on trees, rocks or other natural objects (unless specifically placed for that purpose), nor shall any such advertising device be attached to any post or pole maintained or owned by public utilities.
- (3) The person owning, leasing or controlling any advertising device for which a permit has been issued, shall have the right to change the advertising copy, ornamentation or trim on the structure and shall have the right and obligation to repair, replace and maintain in good condition any sign structure, unless such device is nonconforming.
- (4) Signs to be located within a State or Federal road right-of-way are the responsibility of the State. Privately owned off premise signs are prohibited.

4.3.5. Sign Exemptions

The following signs shall comply with all provisions of this Article, but may be erected and maintained on Town roads and streets in all districts without a permit.

(1) Address Numerals

Address numerals and other signs required to be maintained by law or governmental order, rule or regulation, provided that the content and size do not exceed the requirements of such law, order, rule or regulation.

(2) Bulletin Boards

Bulletin Boards not over thirty two (32) square feet for public, charitable, or religious institutions where the same are located on the premises.

(3) Contractor Signs

Not more than thirty two (32) square feet in area naming the contractors engaging in the construction on the property.

(4) Flags and Emblems

Flags or emblems of a government or of a political, civic, philanthropic, educational, or religious organization displayed on private property.

(5) Home Occupation Signs on the Location of the Home

One (1) home occupation sign shall be allowed on the lot and shall not exceed six (6) square feet in sign area.

(6) Holiday Decorations

Signs in the nature of decorations, clearly incidental and customary and commonly associated with any national, local or religious holiday; provided that such sign shall be displayed for a period of not more than sixty (60) days in any one (1) year; and may be of any type, number, area, height, location, illumination or animation.

(7) Identification Signs

Identification signs not exceeding fifteen (15) square feet in gross surface area accessory to a multiple-unit dwelling.

(8) Memorial Signs

Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface, permanently attached to, or inlaid so as to be part of the building or when constructed of bronze or other noncombustible material.

(9) Nameplate Signs

Nameplate signs not exceeding two (2) square feet in gross surface accessory to a one-unit or two-unit dwelling.

(10) Occupant Signs

Signs limited in content to name of occupant, address or premises, and signs of danger or a cautionary nature which are limited to: wall and ground signs; no more than two (2) per street front; no more than four (4) square feet per sign in area; no more than ten (10) feet in height above grade; signs which may be illuminated only from a concealed light source which does not flash, blink or fluctuate; and signs which are not animated.

(11) On-Site Information Signs

Signs relating to the permitted use on the lot where the sign is located, provided that each sign is only for the convenience of the public and is not greater than ten (10) feet above grade.

(12) Professional Signs

Nameplate signs not more than two (2) square feet in area which are of a wall or window type.

(13) Public Signs

Signs required or specifically authorized for a public purpose by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination, or animation authorized by the law, statute or ordinance under which the signs are erected.

(14) Real Estate Signs

Signs not exceeding outside the property line and not more than thirty two (32) square feet per face in area which advertise the sale, rental, or lease of the premises upon which said signs are located.

(15) Score Boards

Score boards in athletic stadiums

(16) Signs in the Display Window

Signs in display window of a business use, which are incorporated with a display of merchandise or a display relating to service offered.

(17) Signs within Buildings

Signs within buildings, that comply with State and local building codes.

4.3.6. Nonconforming Advertising Devices

For the purpose of this section, a “nonconforming advertising device” shall mean: Any legally existing advertising device which does not conform to the regulations of this section or any other section of this Code either at the effective date of the regulation establishing this section or as result of subsequent amendments which may be incorporated into this Code.

The right to maintain any nonconforming advertising device shall be terminated by:

- (1) Abandonment of the nonconforming advertising device for a continuous period of one (1) year;
- (2) Increase of any dimensions of the nonconforming advertising device over its dimensions on the date that the device became nonconforming;
- (3) Damage to or destruction of the nonconforming advertising device from any cause whatsoever, except by willful destruction, where

the cost of repairing the damage or destruction exceeds fifty (50) percent of the replacement cost of such device on the date of damage or destruction. In determining the replacement cost of any nonconforming advertising device there shall not be included the cost of the land, or the cost of renting land, or any factor other than the device itself.

- (4) Failure of the nonconforming advertising device to comply with the existing regulations at time of construction.
- (5) Change in ownership, obsolete message, or change in message.

4.3.7. Sign Regulations Specific to Zone Districts

- (1) Rural Residential, Residential, Medium Density Residential. Mobil Home and Recreational Vehicle.
 - (a) Outdoor general advertising (off premise) signs not permitted.
 - (b) On premise sign: Nonexempt signs meeting the requirements of this Article are permitted upon issuance of a Sign Permit.
 - (c) Permitted sign area shall not exceed thirty two (32) square feet.
 - (d) Permitted maximum height above grade shall not exceed ten (10) feet.
 - (e) Signs which are illuminated by or include a flashing or intermittent or moving light are prohibited.
- (2) Commercial Business, Downtown Business, Heavy Industrial, and Light Industrial.
 - (a) On premise signs are permitted when in compliance with the requirement of this Article. Nonexempt signs must be covered by a Town Sign Permit.
 - (b) Permitted number and area of signs: A maximum of two (2) signs totaling not more than two hundred (200) square feet in area shall be permitted for each lot of street frontage on which the permitted use is located.
 - (c) Wall signs may not extend more than two (2) feet from the wall on which they are attached.

Chapter 4.4

ANNEXATION

Table of Contents

Purpose (4.4.1)	139
Statement of Policy and Review Criteria (4.4.2)	139
Eligibility for Annexation (4.4.3)	140
Procedure (4.4.4)	140
Post Approval Actions (4.4.5)	143
Public Hearing Notice (4.4.6)	143
Reimbursement of Town of South Fork for Annexation Expenses (4.4.7)	145
Annexation Petition and Application Submittal Requirements (4.4.8)	145
Annexation Agreement (4.4.9)	151
Annexation Map Technical Standards (4.4.10)	151
Concept Plan Map Technical Standards (4.4.11)	155

4.4.1: Purpose

The purpose of this Article is to establish a procedure to bring land under the jurisdiction of the Town of South Fork in compliance with the *Colorado Municipal Annexation Act of 1965* (herein after referred to as the Act), as amended. This Article, in part, provides supplemental requirements for annexation pursuant to the Act, and is not construed as altering, modifying, eliminating or replacing any requirement set forth in that act, or any requirements set forth in other portions of the Town of South Fork Code. In the event of a conflict between the Act, the provisions of this Article or any requirements set forth in other portions of the Town Code, the more stringent provision controls.

4.4.2: Statement of Policy and Review Criteria

4.4.2.1. It is the general policy of the Town of South Fork with respect to annexations and the consideration of annexation petitions that:

- (1) Annexation is a discretionary act. With the exception of an initiated petition for the annexation of an enclave, the Board of Trustees exercises its sole discretion to annex territory into the Town of South Fork.
- (2) The land to be annexed and the uses proposed for the land conforms to the goals, policies and strategies of the Town of South Fork Master Plan and to the land uses depicted on the Land Use Map, as amended.
- (3) Certain public facilities and amenities are necessary and constructed as part of any territory annexed to the Town of South Fork in order that the public needs are served by such facilities. These facilities include, but are not limited to, arterial streets, bridges, public parks and recreation areas, school sites, fire and police station sites, and storm drainage facilities. The annexation of lands to the Town of South Fork are shown not to create any additional cost or burden on the then-existing residents of the Town of South Fork to provide such public facilities in any newly annexed area.
- (4) The petitioner for annexation is responsible to pay the Town's full cost for processing the annexation petition, from initial discussion with Town staff before submitting of the petition, through the approval and recording of the final annexation documents.
- (5) Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels. (For example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property.)

- (6) Deed all subsurface (non-tributary) water rights to the Town of South Fork at the time of annexation.
- (7) The Town has in place an “annexation master plan” for the “three mile” area surrounding the Town. Update the “annexation master plan” for each annexation or once per year, whichever is less.

4.4.3: Eligibility for Annexation

Eligibility for annexation is determined by conformity with the requirements of C.R.S. §§ 31-12-104 and 31-12-105, as amended and as determined by the Board of Trustees in their sole discretion.

4.4.4: Procedure

4.4.4.1. Processing and Consideration of annexation petitions shall be processed and considered as follows:

- (1) Step 1: Annexation Pre-Application Conference. The application process begins with a pre-application conference with the Board or designated Town Staff member to determine the feasibility of the annexation request. Following this informal meeting, the applicant submits a Letter of Intent requesting annexation, the Annexation Petition, the completed Annexation Application form, annexation maps and supporting documents.
- (2) Step 2: Annexation Petition Certification and Completion. The petition for annexation or petition for election and all other documents submitted is reviewed by Staff for completeness and compliance with the provisions of the *Act*, and the Town Code. The applicant is notified within a reasonable time of any deficiencies or inadequacies in the materials submitted. An incomplete submission is not processed, nor referred to the Planning and Zoning Commission for a determination of substantial compliance.
- (3) Step 3: Annexation Petition Referral to Planning and Zoning Commission. Upon the staff's determination that the petition and supporting documentation are complete and in compliance with provisions of the *Act*, and the Town of South Fork Code, the Town Clerk refers the petition to the Planning and Zoning Commission for action and as a communication.
- (4) Step 4: Planning and Zoning Commission Determination of Substantial Compliance. The Planning and Zoning Commission, without undue delay, takes the appropriate steps to determine if the petition is in substantial compliance with the *Act*.

- (a) If the petition is found to be in substantial compliance with the *Municipal Annexation Act of 1965*, the Planning and Zoning Commission recommend to the Board, by the adoption of a Resolution of Intent to Annex, set the annexation (and zoning if requested) for public hearing on a specified date, time, and place, not less than 30 days nor more than 60 days from the effective date of the Resolution, subject to compliance with C.R.S. § 31-12-108.
 - (b) If the petition is not found to be in compliance with the *Municipal Annexation Act of 1965*, no further action is taken, except that the determination is made by resolution adopted by the Board of Trustees.
- (5) Step 5: Planning & Zoning Commission Review and Recommendations. The Planning & Zoning Commission considers the petition for annexation at a regular or special meeting to be held before the date of the public hearing. If zoning of the property is requested at the time of annexation, the Planning & Zoning Commission holds a public hearing on the zoning of the property at the same meeting. Notice of the public hearing on zoning is given in accordance with the requirements for an amendment to the zoning map. **(Chapter 4.4.6)**

The Planning & Zoning Commission, upon the conclusion of the meeting at which they consider the petition, by resolution recommends approval of the petition for annexation with or without modifications and/or conditions, or recommend denial. If zoning of the property is requested at the time of annexation, the Planning & Zoning Commission by resolution recommends approval with or without modifications and/or conditions, or recommend denial of the requested zoning. They refer any such recommendation to the Board of Trustees.

- (6) Step 6: Planning and Zoning Commission Action on the Annexation. The Planning and Zoning Commission shall hold the public hearing on the petition for annexation, and zoning, if requested in conjunction with the annexation, on the date and at the time set by the Resolution of Intent to Annex/The petitioners presents evidence in support of the petition, and zoning if applicable. Staff testifies as to the elements required by statute to be present for annexation. Any person may appear at the hearing and present evidence on any matter related to the annexation petition as determined by the Planning and Zoning Commission. The Planning and Zoning Commission may continue the hearing to another date without additional notice if the volume of material to be received cannot be presented within the available time for any given session. Record all proceedings at the hearing and any continuances thereof, but the recording need not be transcribed unless proceedings for judicial review are initiated as provided by C.R.S. § 31-12-116.

At the conclusion of the public hearing, the Planning and Zoning Commission adopts a resolution containing the findings of fact and conclusions, including:

- (a) Whether or not the requirements of C.R.S. § 31-12-104 and 105 and this Article have been met;
- (b) Whether or not additional terms and conditions are to be imposed; and
- (c) Whether or not an election is required, either as result of a petition for election or the imposition of additional terms and conditions.

If the Planning and Zoning Commission finds that the area proposed for annexation does not comply with the requirements of C.R.S. § 31-12-104 and 105, the annexation proceeding is terminated.

If the Planning and Zoning Commission finds the following:

- (a) The annexation is in compliance with the requirements of C.R.S. § 31-12-104 and 105;
- (b) That an election is not required under C.R.S. § 31-12-107 (2);
- (c) The petition is found to be signed by the owners of 100 percent of the area proposed to be annexed, exclusive of streets and alleys; and
- (d) No additional terms and conditions are imposed;

(7) Step 7: The Board of Trustees Action on Annexation

The Board may annex the land by ordinance without election. The ordinance annexing the area includes a statement that the owners of 100 percent of the area petitioned for the annexation. Approve the zoning of the property, if requested with annexation, by separate ordinance.

If the petition is for an annexation election, or the Board of Trustees determines that less than 100 percent of the owners have signed the petition for annexation, or the Board of Trustees determines that additional terms and conditions need to be imposed upon the area proposed be annexed, which are not agreed to voluntarily and in writing by the landowners, the Board makes appropriate findings by Resolution and orders an election to be conducted in accordance with C.R.S. § 31-12-112.

If the annexation is approved by the eligible electors in accordance with C.R.S. § 31-12-112, the Board of Trustees may

by ordinance annex the land. In the event the annexation is not approved by the eligible electors or the vote is tied, the annexation proceeding is terminated.

If the Board of Trustees, in its sole discretion, finds that the annexation is not in the best interest of the Town of South Fork, it may deny the petition by resolution, stating the grounds for such denial. Only in the event of a petition for the annexation of an enclave as provided by C.R.S. § 31-12-107(5) the Town is required to annex property.

4.4.5: Post Approval Actions

- 4.4.5.1.** After final passage of the annexation ordinance, the Town of South Fork files one copy of the annexation map with the original of the annexation ordinance in the office of the Town Clerk. The Town of South Fork files for recording three certified copies of the annexation ordinance and annexation map with the County Clerk and Recorder. The Town of South Fork requests the County Clerk to forward one copy of the annexation map and ordinance to the Division of Local Government in the Colorado Department of Local Affairs and one copy of the annexation map and ordinance to the Department of Revenue of the State of Colorado.
- 4.4.5.2.** When zoning was requested with the annexation, zoning is granted by ordinance and copies of the official zoning map amendment is recorded with the County Clerk and Recorder in the manner provided by Chapter 4 of the Town Land Use Code. When zoning was not requested with annexation, the Town of South Fork brings the area annexed under the zoning ordinance and map within 90 days after the effective date of the annexation ordinance in the manner provided by Chapter 4 of the Town Land Use Code.

4.4.6: Public Hearing Notices

- 4.4.6.1.** Notice of the public hearing for annexation set by the Resolution of Intent to Annex is given in accordance with C.R.S. § 31-12-108. A copy of the Resolution of Intent to Annex, or the petition(s) as filed (exclusive of signatures), together with a notice of the date and time and place set by the Planning and Zoning Commission for the public hearing, is published once a week for four successive weeks in a newspaper general circulation in the area proposed to be annexed. Publish the first notice at least 30 days before the date of the public hearing.
- 4.4.6.2.** Send, by certified mail, return receipt requested, a copy of the published notice, together with a copy of the adopted Resolution of Intent to Annex and the petition as filed, to the County Board of Commissioners and the County Attorney and any special district or school district having territory within the area to be annexed, at least 25 days before the date fixed for the public hearing.

- 4.4.6.3.** Provide a copy of the published notice, together with the “Letter of Intent” with the application. Send the annexation map and the “concept plan” for the development of the property by certified mail, return receipt requested, to the owners of real property within 300 feet of the boundaries of the proposed annexation, irrigation ditch companies whose rights-of-way traverse the property to be annexed and to the mineral estate owners and their lessees of the property to be annexed. To the owners of the minerals estate and their lessees does not relieve the petitioner(s) from the responsibility of providing notice as required by C.R.S. § 24-65.5-101, *et seq.*

In the case of a “flagpole” annexation, the Town of South Fork also provides notice to abutting property owners as specified in C.R.S. § 31-12-105 as amended.

4.4.6.4. Petitioner’s Responsibilities - Mailing and Posting Notices, Notice to Mineral Estate Owners and Lessees.

- 4.4.6.5.** The petitioner provides the Town of South Fork with an address list containing the following. (1) the owners of real property within 300 feet of the property to be annexed; (2) the mineral interest owners and lessees for the property to be annexed; (3) the irrigation ditch companies whose rights-of-way traverse the property to be annexed; (4) and, the special districts encompassing the property to be annexed. The list is to be prepared and certified by a title insurance company licensed by the State of Colorado, within the 30 days before the date of submission of the annexation petition.
- 4.4.6.6.** The petitioner provides a sufficient number clasp envelopes to mail notices to all special districts encompassing the property be annexed; the Board of County Commissioners; and, County Attorney, and referral agencies of the Town of South Fork, as directed by the Town. The petitioner also provides a sufficient number of self adhesive window envelopes (no return address) to mail notice to the owners of real property and mineral interest owners and lessees identified in the mailing list.
- 4.4.6.7.** The petitioner is responsible for posting the property as provided herein, and meets with Staff to obtain completed public notice placards and the posting layout. The petitioner submits a signed, notarized affidavit certifying that the property was posted on the required date and in the locations as approved by the Town. The petitioner is also responsible to ensure that the posted notices remain in place, in legible condition until the public hearing is concluded, and for removal of said posted notices after the public hearing is concluded. Post the notice along the public street rights-of-way bordering the property, at least once for every 600 feet of frontage on the rights-of-way, or as otherwise approved by the Town.

- 4.4.6.8.** The petitioner is responsible for providing notice of any public hearing (Planning & Zoning Commission) to the owners of the mineral estate on the property to be annexed, and to their lessees, as required by C.R.S. § 24-65.5-101, *et seq.* The petitioner certifies to the Town Clerk not less than 15 days before the date of the public hearing(s), the petitioner's conformance with this notice requirement.

4.4.7: Reimbursement of Town of South Fork for Annexation Expenses.

The petitioner reimburses the Town of South Fork for its expenses in reviewing and processing the annexation petition, including, but not limited to legal publications, engineering services, attorney fees, consultant fees, reproduction of material, postage, public hearing expenses and recording documents. The Town may require a reasonable administrative fee and a reimbursement agreement upon the submission of a petition for annexation.

4.4.8: Annexation Petition and Application Submittal Requirements

- 4.4.8.1.** The following are the submission requirements for an annexation petition; (1) one original and three copies of the following forms, maps, but letters and documents are to be delivered to the Town Clerk with the fees. (2) The documents are to be submitted in separate three-ring binders of suitable size to hold the material. (3) Any forms or letters requiring signatures shall have one original signed and dated in blue ink. The remaining copies may be photocopies of the original. (4) The binders contain a table of contents and be tabbed accordingly. Provide binders with pockets for the folded maps that are submitted.

Following staff review and notice of acceptance for referral to the Planning and Zoning Commission, the applicant provides 36 copies of the annexation documents. 14 sets are bound in three-ring binders as above. Three hole punch and collate the remaining 22 sets into complete application packets and bind with binder clips.

The name or title of the proposed annexation on all documents and maps must be consistent. All letter size (8 ½" x 11") documents to be filed with the County Clerk and Recorder Office must have one inch margins, or they will be rejected for filing.

- 4.4.8.2.** The Annexation application includes:

- (1) Letter of Intent. The applicant provides a letter of intent addressed to the Planning and Zoning Commission to serve as a cover letter to the formal petition, introducing the applicant(s) to the Planning and Zoning Commission, requesting annexation of

the petitioner's property and describing the development plans for the property, if it is annexed.

- (2) Annexation Application Form. Complete, sign and date the Town's Annexation Application Form.
- (3) Agreement for Payment of Development Review Expenses Incurred by the Town of South Fork. Include with the application a signed standard form Agreement for the Payment of Development Review Expenses Incurred by the Town.
- (4) Petition for Annexation. The applicant submits a petition for annexation complying with the requirements of C.R.S. § 31-12-107. Use the Town's standard form petition. Any deviation from the standard form petition requires review and approval by the Town of South Fork Attorney before the Town accepts the petition for processing. The applicant provides a word processing file of this document if it deviates from the Town's standard form petition.

The petition contains the following statements:

- (a) An allegation that it is desirable and necessary that the area be annexed to the municipality.
- (b) An allegation that eligibility requirements and limitations are met or addressed respectively.
- (c) An allegation that the petitioners comprise the land owners of more than 50 percent of the territory included in the proposed annexation area (excluding streets and alleys).
- (d) A request that the annexing municipality approve the annexation.
- (e) If not already included, consent to the inclusion of the property into the (*insert names of any applicable special districts*) as appropriate.
- (f) A waiver of any right to election pursuant to Section 28 of Article X of the Colorado Constitution before a district can impose property tax levies and special assessments.
- (g) The dated signatures of petitioning landowners. Petition signatures must be signed within 180 days of the date the petition is first submitted to the Town Clerk.
- (h) The mailing address of each signer of the petition.
- (i) The full legal description of land owned by each signer of the petition (if platted, by lot and block; if un-platted, by metes and bounds).

- (j) The affidavit of each petition circulator that each petitioner's signature is valid.
- (5) Annexation Map. Provide four paper copies of the annexation map with the initial submittal. The annexation map shall be signed and sealed by the registered land surveyor or engineer preparing the map, or under whose supervision the annexation map was prepared. The annexation map(s) shall comply with the technical drawing requirements contained in Section 7.10 of this Chapter. In addition, provide one small format paper copy (not less than 8½" x 11", nor more than 11" x 17").
- (6) Concept Plan Map. Provide four paper copies of the concept plan map with the initial submittal. The concept plan map(s) shall comply with the technical drawing requirements contained in Section 7.11 of this Chapter. In addition, provide one small format paper copy (not less than 8½" x 11", nor more than 11" x 17").
- (7) Title Commitment. The applicant submits proof of ownership in the form of a current title commitment, issued by a title insurance company licensed by the State of Colorado, whose effective date is less than thirty days before the date of submittal of the annexation petition. Ownership **must** match the ownership listed in the petition. If the legal description of the area to be annexed as shown on the annexation map does not match the legal description of the property owned, because of road rights-of-way or other reasons, then the title policy must certify that the property owned is wholly contained within the described area on the annexation map. If the applicant is not the owner, provide in addition to the title commitment naming the owner as the insured, a notarized affidavit by the owner stating the applicant is authorized by the owner to make application for annexation. The applicant provide a word processing file of the legal description contained in the title commitment.
- (8) Property Tax Statement. A copy of the prior year's property tax statement for all property to be annexed.
- (9) Mailing List and Envelopes for County, Special Districts, Irrigation Ditch Companies, Mineral Interest Owners and Adjacent Property Owners. The Applicant is to provide a mailing address list and envelopes as required by **Chapter 4.4.6.3.**
- (10) Annexation Impact Report. For areas of ten or more acres, a draft annexation impact report conforming to C.R.S § 31-12-108.5 is required. Any deviation from the Town's standard form will require review and approval by the Town Attorney before the annexation impact report is accepted for processing by the Town. The

applicant provides a word processing file of this document. The applicant is to provide an AutoCAD™ drawing file (release 12 or higher) of the required “existing conditions” map. An inaccurate, incomplete or poorly drawn “existing conditions” map shall be rejected.

The impact report contains the following information:

- (a) A map or maps of the municipality and adjacent territory showing the present and proposed boundaries of the municipality in the vicinity of the proposed annexation; the present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and irrigation and drainage ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and the existing and proposed land use pattern in the areas to be annexed;
 - (b) A copy of any draft or final pre-annexation agreement, if available;
 - (c) A statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or for the municipality at the time of annexation;
 - (d) A statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed (those municipal services supplied by the Town of South Fork);
 - (e) A statement identifying existing special districts within the area to be annexed; and
 - (f) A statement on the effect of annexation upon local public school district systems including the estimated number of students generated and the capital construction required to educate such students.
- (11) Town of South Fork Master Plan Project Summary Worksheet. A completed Town of South Fork Master Plan *Project Summary Worksheet*. This standardized worksheet was developed with the Town of South Fork Master Plan. The applicant is required to provide a narrative response to the series of questions related to the conformance of the project to the goals, policies and strategies identified in the Master Plan. The applicant is to provide a word processing file of the completed worksheet document.
- (12) Water Rights. The applicant shall provide a “Water Rights Report” for the property prepared by a qualified water engineer or water attorney detailing the water rights appurtenant to and severed

from the property to be annexed and their historical use. The report must include both surface (tributary) and subsurface (non-tributary and not non-tributary groundwater). The applicant shall provide a signed warranty deed(s) for sufficient water rights to provide the domestic needs of property to be developed as a result of the annexation as provided in Sec. 4.4.1 of the Town Code. In addition the applicant shall provide a signed standard form warranty deed for the transfer of all subsurface (non-tributary) water rights to the Town of South Fork.

- (13) Zoning of Property to Be Annexed. If zoning is requested simultaneously with annexation, the petitioner must submit a completed Zoning Application form, provide a Zoning Map for the property, a zoning amendment map amending the official zoning map and pay the application and recording fees. If zoning is not requested simultaneously with annexation, the property is required by statute to be brought under the Town's Zoning Code and Zoning Map within 90 days of the completion of the annexation process.
- (14) Annexation Assessment Report. The application is to be accompanied by a narrative report assessing the effect of the proposed annexation upon the community and existing services and facilities. It shall detail the need for any expansion of those services and facilities to accommodate the development proposed for the property being annexed. The narratives shall be one or more paragraphs in length, and adequate to fully explain the needs, concepts and proposed solutions for each of the following:
 - (a) An assessment of the community needs for the proposed annexation and land use;
 - (b) The economic impact to the municipality of the proposed annexation. This is to include an analysis of short-term and long-term municipal revenues to be generated by the development, short-term and long-term municipal expenses likely to be incurred as a result of the annexation and development, and proposals to mitigate any negative impacts;
 - (c) The school impact including an estimated of the number of students to be generated by development of the property, capital construction required to educate the students, and proposals to mitigate any negative school impacts;
 - (d) The impact on the existing transportation system and proposals to mitigate any negative transportation impacts upon the community (arterial and collector street improvements, intersection improvements, intersection signalization, alternative modes of transportation, etc.);

- (e) Impact of the proposed development on the existing storm drainage system and proposals to mitigate any negative drainage impacts upon the community (historic rainfall drainage patterns, detention and retention areas, storm sewer requirements, discharged irrigation ditches, floodways and floodplains, etc.);
- (f) The impact of the proposed development on the Town of South Fork Police Department and proposals to mitigate any impact upon the existing police services (special security needs, additional officers required, additional equipment requirements, etc.);
- (g) The impact of the proposed development on the South Fork Station of the Del Norte Fire Protection District and proposals to mitigate any impact upon the existing fire protection services (special fire hazards, fire prevention, fire detection, emergency access, additional equipment requirements, additional manpower requirements, additional fire stations, etc.);
- (h) The impact of the proposed development on the Town of South Fork of the Town's park facilities and recreation programs (**OPTION**: add the name of any parks and recreation district, if applicable) and proposals to mitigate any impact upon the existing facilities and programs (additional facilities, additional recreation programs, additional personnel required, etc.);
- (i) The impact of the proposed development on the environment of the Town of South Fork and proposals to mitigate any negative impact (identify environmentally sensitive areas, endangered species, significant habitats, etc.);
- (j) The short-term and long-term economic development potential for the property (numbers of jobs to be created, sales and use tax generation, property tax generation, utility revenue generation, incentives to be offered, etc.);
- (k) The compatibility of the proposed development with the street master plan as depicted by the Land Use Map contained in the Town of South Fork Master Plan and proposals for mitigating any negative impact;
- (l) The compatibility of the proposed development with the Town Master Plan and any plan amendments that may be necessary for the proposed development;
- (m) The compatibility of the proposed development with the Town Land Use Code and any deviations in setbacks,

space requirements, and permitted uses that may be required for the proposed development; and

- (n) A review of existing and adjacent land uses, areas of compatibility or conflict, and possible mitigation measures that may be required for the proposed development.
- (15) Letters of Support. The application is to be accompanied by letters of support or comments from the following special districts servicing the area to be annexed. South Fork Water & Sanitation District, School District, and the Fire District.

4.4.9: Annexation Agreement

A draft Annexation Agreement shall be provided to the applicant by the Town of South Fork not less than three weeks before the annexation public hearing before the Board of Trustees. This document outlines the responsibilities of the applicant and the Town regarding the provision and extension of streets and utilities, the dedication of water rights and the applicability of Town regulations. Any changes or additions to the standard form Annexation Agreement proposed by the applicant or the Town shall be addressed in the "supplemental provisions" section of the document. If a property to be annexed has multiple ownership, all of the owners must sign the Annexation Agreement. If multiple properties are combined for annexation purposes, but each will be developed separately, separate Annexation Agreements are to be signed by each owner. The final document is to be signed by the applicant and made available to the Town Clerk not less than two weeks before the date of the public hearing on the annexation.

4.4.10: Annexation Map Technical Standards

- 4.4.10.1.** The annexation map shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado. The annexation map shall conform to the following drafting standards and contain the following information. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn maps shall be rejected.

- (1) The annexation map shall be an original drawing on 24" x 36" flat, spliceless, tapeless and creaseless sheet(s) of double matte mylar film with a uniform thickness of not less than .003 of an inch, using only permanent black ink that will adhere to drafting films, or an acceptable "fix-line" photographic reproduction (emulsion down), or a computer generated reproduction of the original drawing. A margin line shall be drawn completely around each sheet leaving a margin at least one-half inch on three sides and a margin at least two inches on the left (short) side, entirely blank. Unless

otherwise specified, text and numbers are to be large enough to be clearly legible at the scale drawn.

- (2) Paper copies of the annexation map(s) shall be blue line or black line copies of the original, folded to 12" x 9" size. The applicant shall also provide paper 11" x 17" and 8½" x 11" reductions of the annexation map(s).
- (3) The annexation map shall be drafted at a scale that best conveys the detailed survey, and confines the drafting error to less than one (1) percent. Acceptable scales are 1"=50' or 1"=100' and for annexations exceeding 100 acres, 1"=200'. In special instances another scale may be approved by the Town. When an annexation requires multiple sheets, an index shall be provided that delineates the boundaries and identify each sheet number. The scale of a composite map may be different from the individual sheets, as approved by the Town. A "title sheet" containing the certifications and signature blocks shall be provided in the event that the annexation map sheet is too crowded.
- (4) The title shall be centered at the top of the sheet along the long dimension of each sheet shall include the name of the proposed annexation. A general legal description stating the section, township, range, Town of South Fork, Rio Grande County, Colorado, shall be included under the name. On the title sheet (Sheet #1), under the general legal description, include the total acreage. Annexation names may not duplicate existing annexation names.

Example:

DEER PARK ANNEXATION
TO THE TOWN OF SOUTH FORK, COLORADO
A Part of the E/2 of Section 23, Township __ North,
Range __ West, Town of South Fork, Colorado
78.05 Acres

- (5) There shall be a title block in the lower right-hand corner, or along the right-hand margin that contains the name, address and telephone number of the land owner, the developer, and the engineer or surveyor preparing the drawing, an appropriate title for the drawing, the preparation date, sheet number, the preparer's project identification numbers, revision dates, draftsman's initials, and the electronic drawing file name (matching the AutoCAD drawing file provided to the Town).
- (6) Adjacent to the title block, in the lower right-hand corner, there shall be a legend block which shall include a description of lines, points and symbols, a double-headed north arrow designated as true north and a written and graphic scale.

- (7) Adjacent to the right margin, or in a column to the right of the center of the title page if the page is crowded, there shall be the Town's standard statement of ownership containing a written metes and bounds legal description of the land to be annexed (including the full width of abutting roadways not already within the Town of South Fork) followed by the owner's signature block(s) and notary block(s), one for each owner or mortgagee.
- (8) Immediately following the ownership certificate, there shall be the Town's standard Surveyor's certificate, signed, dated and sealed by a licensed surveyor or engineer.
- (9) Immediately following the Surveyor's certificate, there shall be the Town's standard certificate blocks for the Planning & Zoning Commission and Board of Trustees.
- (10) Immediately following the Board of Trustee's approval certificate, there shall be the Town's standard recording certificate block for the County Clerk and Recorder.
- (11) A vicinity map that depicts the area to be annexed and the area which surrounds the proposed annexation within a three-mile radius superimposed on a current USGS Topographical Map, maintaining the same scale shall be placed on the left side of annexation map, outside the boundary of the area being annexed, or on the left side of the title sheet.
- (12) The annexation map drawing shall contain the following:
 - (a) Show the outline of area to be annexed with boldest line.
 - (b) For all references, show book, page, map number, etc., and place where publicly recorded.
 - (c) Show all recorded and apparent rights-of-way lines of roads both within and without the periphery of land to be annexed; these roads are those which are adjacent, adjoining, contiguous, and/or coincident with boundary. Provide all road names, right-of-way widths at each leg of an intersection, at the point of curve and point of tangent, at dead ends and at angle points; and right-of-way lines with accurate bearings and dimensions including chord lengths and bearings, central angles and radii of all curves. Whenever the centerline of a road has been established or recorded, the date and recording information shall be shown on the Annexation Map.
 - (d) Show on the annexation map, next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of South Fork and the contiguous boundary of any other municipality abutting the area

proposed to be annexed. A hatched boundary line shall be used to depict the boundary contiguous to the Town.

- (e) Show section, quarter section, and other monument corners. Display ties to section corners and to the State grid, if available, which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc. shall be used. All dimensions are to be shown to the nearest 0.01' or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal lots, tracts, or parcels shall have a closure accuracy of 0.01'.
- (f) Provided a description of all monuments, both found and set, which mark the boundaries of the property and of all control monuments used in conducting the survey.
- (g) Show the location of each ownership tract in unplatted land, and if part or all of the area is platted, the boundaries and plat numbers of plots or of lots and blocks.
- (h) Show the names and locations of all abutting subdivisions. The locations of all abutting unplatted parcels and public lands shall be depicted and designated as such.
- (i) The ownership identity of all mineral rights shall be designated on the map.
- (j) Show the purpose, widths, location (with fine dashed lines) and ownership of all easements and all abutting easements, including but not limited to utility, oil and gas gathering and transmission lines and irrigation ditches (fee or prescriptive). If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. The widths of all easements and sufficient data to definitively locate the same with respect to the parcel to be annexed must be shown. All easements must be clearly labeled and identified. If an easement shown on the annexation map is of record, its recorded reference must be given.
- (k) All lines, names and descriptions on the annexation map which do not constitute a part of the annexation shall be depicted in dashed or screened lines. Any area enclosed

by the annexation, but not a part thereof, shall be labeled "Not a Part of This Annexation."

- (l) Accurately locate 100-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes, or inlets on the affected property.
 - (m) Show clearly the length and bearing of all lines described in the written description.
 - (n) Show section numbers, quarter section quadrants, township and range lines, and label each.
 - (o) Show all lines, calls, arcs, etc., described in written description.
 - (p) Circle or place an ellipse around each location where a detail drawing will be provided, and provide designation for each detail such as " See Detail A."
 - (q) Show "Point of Beginning" in bold letters with an arrow.
 - (r) Show "True Point of Beginning" with bold letters and arrow, when appropriate.
 - (s) A map note shall indicate the total perimeter of the annexation boundary, the contiguous length to the existing Town of South Fork boundary and the length representing one-sixth of the total annexation boundary perimeter.
- (13) An "Annexation Map Land Surveying Standards Checklist" completed by the surveyor shall be provided.
- (14) An AutoCAD™ drawing file (release 12 or higher) of the annexation map(s) and title sheets and all fonts used, shall be provided on IBM formatted 3 ½" floppy disks, or by other acceptable electronic transfer. Large drawing files are to be compressed. If multiple maps are used, one drawing file must combine all the parts into one map showing the entire annexation. AutoCAD™ drawing files (release 12 or higher) of each revision to the annexation map shall be provided at the time the revision is submitted to the Town.
- (15) A word processing file of the legal description shall be provided on an IBM formatted 3 ½" floppy disk, or by other acceptable electronic transfer. Text must be in uppercase.

4.4.11 Concept Plan Map Technical Standards

4.4.11.1. The concept plan map shall be prepared by or under the supervision of a qualified land planner or architect. The concept plan map shall conform to the drafting standards of the annexation map. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn maps shall be rejected.

- (1) Paper copies of the concept plan map(s) shall be blue line or black line copies of the original, folded to 12" x 9" size. The applicant shall also provide paper 11" x 17" and 8½" x 11" reductions of the concept plan map(s).
- (2) The concept plan map drawing shall contain the following:
 - (a) Show the boundary of the area to be developed;
 - (b) Provide a written legal description of the area to be developed;
 - (c) Within the concept plan, show the general location of each proposed land use on the property and the percentage of the whole for each use. General location of and uses may be shown as irregular graphic shapes depicting the approximate size and relationship to adjacent land uses. A table shall be used to list densities and land use by type, including the area of each, the density of residential development and the maximum and minimum lot sizes, and the maximum square footage of commercial and industrial buildings and the maximum and minimum lot size;
 - (d) Within the concept plan, show existing and proposed arterial and collector streets and their relationship to the principal land uses on the site;
 - (e) Within the concept plan, show existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site;
 - (f) Within the concept plan, show contour lines at ten foot intervals, except when there are significant geographical features on the land and a different Interval is determined to be more appropriate; and;
 - (g) Within the concept plan, show significant natural or manmade features on the site and contiguous to the property, including but not limited to, bluffs, tree galleries, lakes and ponds, irrigation ditches watercourses and wetlands. An AutoCAD™ drawing file (release 12 or higher)

- (h) Concept plan map(s) and title sheets and all fonts used, shall be provided on IBM formatted 3 ½" floppy disks, or by other acceptable electronic transfer. Large drawing files are to be compressed. If multiple maps are used, one drawing file must combine all the parts into one map showing the entire annexation. AutoCAD™ drawing files (release 12 or higher) of each revision to the concept plan map shall be provided at the time the revision is submitted to the Town.

Chapter 4.5

SUBDIVISION REGULATIONS

Table of Contents

GENERAL PROVISIONS (4.5.1)	159
INTERPRETATION (4.5.2)	159
ENFORCEMENT (4.5.3)	159
SUBDIVISION PROCEDURE (4.5.4)	160
REQUIRED IMPROVEMENTS (4.5.5)	171
MINIMUM DESIGN STANDARDS (4.5.6)	173
SECURITY FOR COMPLETION OF IMPROVEMENTS (4.5.7)	184
MINOR SUBDIVISIONS (4.5.8)	185
AMENDED PLATS (4.5.9)	186
ADMINISTRATIVE REVIEW HEARINGS (4.5.10)	187

4.5.1: GENERAL PROVISIONS

- 4.5.1.1.** This Chapter as amended from time to time may be cited and referred to as the Town's Subdivision Regulations.

The purpose of these subdivision regulations are to promote and protect public health, safety and welfare; to encourage the harmonious, orderly, and progressive development of land; to ensure the development of economically sound and compatible neighborhoods; to ensure safe and convenient circulation of vehicular and pedestrian traffic; to ensure that parks, open spaces, school sites and land needed for other public purposes are either reserved or dedicated; to ensure development is in accordance with the requirements of the Town's Master Plan as such may be amended from time to time; and to insure that new development bears its fair share of the costs of providing improvements and services necessitated by, or resulting from, the development of subdivisions.

4.5.2: INTERPRETATION

- 4.5.2.1.** The interpretation and application of the provisions of the Subdivision Regulations shall be regarded as the minimum required for the protection of the public health, safety and welfare and shall be liberally construed to further the purposes as specified in **Section 4.5.1** above.
- 4.5.2.2.1.** Whenever a provision of these Subdivision Regulations and any other provision found in another Town ordinance contain any restrictions or regulations covering the same subject matter, whichever restriction or regulation is more restrictive or imposes a higher standard or requirement shall govern.
- 4.5.2.2.2.** The word "shall" is mandatory. The word "may" is permissive.
- 4.5.2.4.** Words used in the present tense include the future; words used in the singular include the plural; and words on one gender include all other genders, unless the context clearly indicates the contrary.
- 4.5.2.5.** Reference to "Town" shall be interpreted to generally apply to Town Land Use Staff, Town Planning and Zoning Commission and Town Board collectively.
- 4.5.2.6.** Reference to "Master Plan" shall be referenced to the Town Comprehensive Plan, as may be amended from time to time.

4.5.3: ENFORCEMENT

- 4.5.3.1.1.** It shall be unlawful for any person to subdivide any land within the Town of South Fork whether by sale, conveyance, gift, delivery or recording of a

plat, deed or other legal instrument or by any other means except in accordance with the provisions of this Chapter.

- 4.5.3.1.2.** Any person convicted of a violation of any provision of this Chapter may be punished by a fine not to exceed one thousand dollars (1,000.00).
- 4.5.3.1.3.** The Town may withhold building or occupancy permits with respect to any lot or tract of land, which has been subdivided in violation of the provisions of this Chapter.
- 4.5.3.1.4.** In addition to any other remedy that the Town may have, the Town may maintain an action in a court of competent jurisdiction for an order to enjoin any violation of this Chapter.
- 4.5.3.1.5.** It shall be unlawful to sell any tract of land, including an entire platted lot or separately described tract, if a violation of the applicable dimensional requirements of the Town's Zoning Regulations will result from such sale by virtue of a change in dimensions of any building site.
- 4.5.3.1.6.** A separate offence shall be deemed committed each day on which a violation of this Chapter continues. Continuing violations of this Chapter are declared to be a nuisance.

4.5.4: SUBDIVISION PROCEDURE

- 4.5.4.1.** The subdivision of land shall be accomplished in accordance with the procedures provided in this Section, except for those instances where different governing procedures are set forth pursuant to **Sections 4.5.9, 4.5.10 and 4.5.11** Informal Review and Sketch Plan.
 - (1) Prior to the processing of the subdivision, the subdivider shall make a reasonable effort to consult informally with proper owners of record adjoining or within 100 feet the proposed subdivision, the Town Land Use Staff and/or the Town Planner. No fee shall be required for such review or discussions of any plans or data concerning the proposed subdivision, prior to sketch plan review. The Town shall not be bound by virtue of any discussion during the informal review stage.
 - (2) The proposal shall be consistent with the Town standards and will be reviewed considering the following at a minimum.
 - (a) Conformance with the master plan and zoning regulations.
 - (b) Relationship of development to topography, soils, drainage, flooding, potential natural hazard areas and other physical characteristics;
 - (c) Availability of water, means of sewage, collection and treatment, access and other utilities and services;

- (d) Compatibility with the natural environment, wildlife, vegetation and unique natural features.
- (3) Following informal review when applicable, and in all cases except when not required by other provisions of this Chapter, ten (10) copies of the sketch plan application and sketch map along with five (5) copies of all required supporting plans shall be filed with the Town. A copy of the sketch map shall also be provided on 11 x 17-inch paper. A filing fee of \$300 shall be submitted upon filing of the sketch plan, which fee shall cover all administrative and publication costs.
 - (4) The sketch plan review shall be commenced only upon submittal of a completed sketch map, a completed sketch plan application form, which form shall be provided by the Town, and all required supplemental information as provided below.
 - (a) Sketch Map: The sketch map shall include the following:
 - (i) A location map; of approximately 4", showing the project location in relation to the Town of South Fork, with appropriate reference to significant roads or highways.
 - (ii) A detailed map showing property boundaries of the subdivision, north arrow and date. The scale of the map shall include the name of the subdivision, name of the county, township, range, section and quarter section. The map shall further indicate zoning and land use of all lands within three hundred feet of any property boundary owned by or under option to the subdivider. A title box shall be located in the lower right corner of the map. In the case of large subdivisions requiring more than one sheet at such a scale, an index map showing the total area on a single sheet shall also be submitted.
 - (iii) A conceptual drawing of the lot and street layout indicating the approximate area and number of individual lots and access to the property.
 - (iv) Significant natural and manmade features on the site, such as streams, lakes, natural drainage ways and wetlands; vegetation types including locations of wood areas, wildlife habitats; scenic corridors; visual impacts; solar access; existing buildings; utility lines and easements; irrigation ditches; bridges and similar physical features; existing development on adjacent property; and footprints of existing buildings.

- (v) Total acreage of the tract.
 - (vi) Existing and proposed zoning district boundary lines, general land use divisions including residential types, commercial, industrial, parks, open space and community facilities, including the proposal's relevance to underlying zoning.
 - (vii) Type and layout of all proposed infrastructures including streets, utilities, water and sewer systems, and impact on existing systems.
 - (viii) Public use areas proposed to be dedicated to the public, and the purpose of the dedication, and their relationship to existing use areas.
 - (ix) Existing and proposed land use patterns, including street system, of both the tracts proposed for development and immediately adjacent land.
 - (x) Existing site problems or peculiarities, such as areas of poor drainage, existing flood plain, geological hazards and seepage water.
 - (xi) Existing and proposed stormwater discharge facilities pertaining to the property.
- (b) Sketch Plan Application: The Sketch Plan Application shall include, but not be limited to, the following information pertaining to the proposed subdivision (this information may be provided in a narrative format);
- (i) Estimated total number of gallons per day of water system requirements, source of waters to supply subdivision requirements, and proposed dedication of water rights in accordance with existing Town ordinances.
 - (ii) Estimated total number of gallons per day of sewage to be treated and means of sewage disposal.
 - (iii) Availability of electricity, natural gas and other utilities necessary or proposed to serve the subdivision.
 - (iv) Access to the property. Off-street parking, school bus stop area(s), and mail box location(s).
 - (v) Total number of proposed dwelling units.

- (vi) Demonstrated compatibility with natural features.
 - (vii) Identification of all activities of the subdivision which shall require approval by permitting agencies at the local, State and federal level, and a description of the approval so required.
 - (viii) Names and addresses of all property owners of record adjoining or within 100 feet of the proposed subdivision.
 - (ix) Summary of issues or concerns resulting from informal review with neighboring property owners, if applicable.
- (c) Sketch Plan Supplemental Documents: The Sketch Plan application shall also include the disclosure of ownership, with supporting documentation from a title insurance company or attorney licensed in the state of Colorado, which shall set forth a legal description of the property and title ownership of the property.
- (5) Upon complete submittal of all required information, the Town Land Use Staff shall, within 45 days, provide initial review of the sketch plan and tender the plan to the Town Planning & Zoning Commission for their review and discussion.
- (6) Advance notice of the sketch plan review by the Town Planning & Zoning Commission shall be provided by publication, with location map of the property to be subdivided. Advance written notice shall also be provided, by hand delivery or deposit into the U.S. mail, to all property owners or record adjoining or within 100 feet of the proposed subdivision. The Town shall provide such notice. The review and discussion of the sketch plan by the Planning & Zoning Commission shall be informal and non-binding in nature, and shall serve as a means to provide guidance, suggestions or concerns to the subdivider.

4.5.4.2. Preliminary Plat:

- (1) Except when not required by other provisions of this Chapter, twenty (20) copies of the preliminary plat with ten (10) copies of all required supporting plans or data shall be filed with the Town. A copy of the preliminary plan shall also be provided on 11 x 17-inch paper. A filing fee of \$300 plus \$50 per acre for that acreage delineated within the subdivision lots, rounded to the nearest ½ acre, and subject to a minimum of \$5,000, shall be submitted upon filing of the preliminary plat. The \$50 per acre fee shall not apply to

acreage delineated within outlots. The fee shall cover all administrative and publications costs.

- (2) The Town may distribute copies of the preliminary plat and supporting plans or data as appropriate to the County Land Use Department, the School District, the gas, CATV, power and telephone companies, the Fire Protection District, the State Highway Department, Federal Aviation Administration, the San Luis Valley Water Conservatory District, applicable Town departments and employees, and other entities as appropriate.
- (3) The preliminary plat and proposed improvements shall comply with all requirements of these subdivision regulations and other applicable Town design and construction specifications and standards. The plat shall be drawn to a scale of not less than one inch equals one hundred feet (1"=100'). **(See Chapter 1 of this Title, Zoning Regulations)**
- (4) The preliminary plat shall contain, at a minimum, the following:
 - (a) The name of the subdivision and the name, address and phone number of the subdivider, and his representatives, if applicable. Such information shall be contained in a title box located on the lower right corner of the plat.
 - (b) The name of the engineer or surveyor preparing the plat. Such information shall be contained in a title box located on the lower right corner of the plat. The scale used and direction of true north.
 - (c) A location map, of approximately 8 1/2" by 11", showing the project location in relation to the Town of South Fork, with appropriate reference to significant roads or highways. The location map shall be provided both on the preliminary plat and separately on letter size paper.
 - (d) Certification of forms approved by the Town to document approval of the plat; and the form of the certificates proposed to be used to comply with the requirements imposed for the final plat as found in subsection **4.5.4.4.** of this Section.
 - (e) Two-foot (2') elevation contours and the boundaries of the "base flood" (100-year flood) and "floodway" and base flood elevation data, as determined and specified in the Town's flood plain management regulations.
 - (f) The zoning of the subdivision and of adjacent properties

- (g) The name of the owners of record of adjacent properties, and the property lines of adjacent properties as space will allow.
 - (h) The location and ownership interest of existing and proposed watercourses including lakes, swamps, ditches and flood prone areas (the inclusion of such watercourses within the jurisdictional authority of local, State or Federal regulatory agencies shall also be noted); the location of existing and proposed streets, easements, utility lines, poles and towers, sewer lines, water lines, drains, culverts and other underground utilities and stormwater drainage facilities both on the proposed subdivision and adjacent properties as practical.
 - (i) The layout of all lots showing the building lines, dimensions and lot areas. Footprints of existing buildings, if any. The plat shall include at least two references to Town GPS Coordinates.
 - (j) The layout and location of all parks and open space.
 - (k) The location of all land to be reserved or dedicated for public use.
- (5) The following shall be submitted accompanying the preliminary plat together with plans and specifications prepared by a registered professional engineer consistent with Town standards and specifications, for all required or proposed improvements.
- (a) Plans for the proposed sanitary sewer system showing location, grade, pipe sizes and invert elevations, and the connection points to the existing system.
 - (b) Plans for the water system and fire protection system showing locations, pipe size, valves, fire hydrants and connection points to the existing system.
 - (c) Plans for the storm drainage system showing location, pipes sizes, grade and discharge points, including off-site improvements. Such plans shall allow for proper discharge of stormwater during 25-year storm events.
 - (d) Plans for any improvements specifically affecting watercourses within the jurisdictional authority of local, State or Federal regulatory agencies, noting the requiring permits therefore.
 - (e) Plans for proposed streets, sidewalks, recreation paths, showing grade and cross-section, trails and walkways and streetlight and street names.

- (f) A soil or geological report prepares and certified by a professional geologist or soil scientist.
 - (g) Plans for piping ditches, or improvements to waterways.
 - (h) Plans for parks and recreational facilities.
 - (i) A traffic impact study for all developments with more than 25 lots, or 25 residential units and plans for recommended traffic mitigation measures. The study shall provide, but not be limited to, traffic capacity for existing roads infrastructure, proper analyses of transportation linkages in conformance with Transportation Plan, cumulative traffic impact of development at build-out, and proposed infrastructure design to account for such considerations. The scope of the impact study may be broadened to include other nearby subdivisions and developments, allowing for cooperative participation and cost sharing.
- (6) Upon submittal of all required information, the Town Land Use Staff shall, within 45 days, provide initial review of the preliminary plat, and make a recommendation to the Town Planning and Zoning Commission to approve the plat, provided that all supporting documentation has been properly submitted and the plat meets all requirements, disapprove the plat if it does not appear to comply with the provisions of this Chapter, or approve the plat with modifications.
 - (7) Advance notice of the preliminary plat review by the Town Planning and Zoning Commission shall be provided by publication, with location map of the property to be subdivided. The Town shall provide such notice.
 - (8) Upon review by the Town Planning and Zoning Commission, the Commission shall make a recommendation to the Town Board to approve the plat provided that all supporting documentation has been properly submitted and the plat meets all requirements, disapproved the plat if it does not appear to comply with the provisions of this Chapter, or approve the plat with modifications.
 - (9) If the plat is disapproved, the reasons for such recommendation shall be included in the minutes of the Planning and Zoning Commission meeting and provided in writing to the applicant upon request.
 - (10) Unless the subdivider withdraws the preliminary plat from review, it shall be submitted to the Town Board for final review and action. Advance notice of the preliminary plat review by the Town Board shall be provided by posted notice.

- (11) Upon conclusion of the hearing, the Board may approve the plat, approve it subject to conditions necessary to implement the provisions of this Chapter, or disapprove the plat if it finds that the requirements of these regulation have not been met.
- (12) No construction of the required subdivision improvements shall commence until approval of the preliminary plat by the Town Board and submittal of both a mylar of the preliminary plat, as finally approved with signed certificates as required by the Town, and a diskette of the preliminary plat in a digital format acceptable to the Town and compatible with Town and compatible with Town computer systems. Upon approval and submittal of the mylar, and supporting documentation as required, the Town shall then issue a written notice to proceed.

4.5.4.3. Final Plat:

- (1) No land shall be subdivided, or any parcel thereof sold or conveyed, until a final plat has been approved in accordance with this subsection.
 - (a) The submittal of final plats for approval must occur within five (5) years of approval of a related preliminary plat, unless development of the project in accordance with such preliminary plat has been pursued with due diligence, in which case the submittal period for final plat may be extended up to ten (10) years of approval of the related preliminary plat. In all cases, no final plat shall be approved if submitted beyond ten (10) years of approval of a related preliminary plat.
 - (b) Building permits may be issued for any property with an approved preliminary plat, but no certificate of occupancy shall by issued until a final plat is approved and recorded.
 - (c) Ten (10) copies of the final plat shall be submitted to the Town for review, along with five (5) copies of all required supporting plans. A copy of the final plat shall also be provided on 11 x 17-inch paper. A filing fee of \$300 shall be submitted upon filing of the final plat. The fee shall cover all administrative and publication costs. The final plat shall contain all elements required as a condition of preliminary plat approval and the following, all in forms acceptable to the Town:
 - (i) The total number of lots and lot numbers or letters.
 - (ii) Sufficient data to determine easily and reproduce on the ground the location of all monuments, and the bearing and length of every street line, boundary line, block line, lot line and building line whether

curved or straight, including the radius, central angle and tangent distant for the center line of curved streets. Other curved lines shall show arc or chord distance and radius. All dimensions shall be to the nearest one-hundredth of a foot (.01') and all angles to the nearest second. The plat shall include at least two references to Town GPS Coordinates.

- (iii) A certification by a registered land surveyor, attesting to the accuracy of the survey plat and placement of monuments, and compliance with the requirements of this Chapter and State law.
- (iv) A certification of dedication for streets, easements and other property dedicated for public use, properly executed and notarized.
- (v) A certification by a licensed professional engineer that the water, stormwater and sewer systems are properly engineered, designed and constructed, and in compliance with all applicable requirements of the Town and the State.
- (vi) Separate certification of approval of the plat by the Town Land Use Administrator.
- (vii) A certification of Title Insurance to the property is in the name of those parties executing the dedication, and the property dedicated to the Town will be free and clear of all liens and encumbrances affecting marketability. A certificate by the Town Engineer specifying which improvements have been completed.
- (viii) A certification by the Town Clerk as to receipt of any security for the completion of improvements.
- (ix) The name of the subdivision and the name, address and phone number of the subdivider, and his representative if applicable, said information to be included within a title box located on the lower right corner of the plat.
- (x) The name of the surveyor preparing the plat, the date of the plat, said information to be included within a title box located on the lower right corner of the plat.
- (xi) A certification of recording to be executed by the County Clerk and Recorder.

- (xii) The scale used, direction of true north, and basis of bearing.
 - (xiii) A location map, of approximately 8 1/2" by 11", showing the project location in relation to the Town of South Fork, with appropriate reference to significant roads or highways. The location map shall be provided both on the final plat and separately on letter size paper.
 - (xiv) The location and ownership interest of all watercourses including lakes, swamps, ditches and flood prone areas; the location and names of streets, sidewalks, easements, utility lines, poles and towers, sewer lines, water lines, drains, culverts and other underground utilities and stormwater drainage facilities.
 - (xv) The layout of all lots showing the building lines, dimensions and lot areas.
 - (xvi) The layout and location of all parks, trails, recreation paths and open space.
 - (xvii) The location of all land to be reserved or dedicated for public or other uses and the boundaries of the "base flood" (100-year flood) and "floodway" and base flood elevation data, as defined and specified in the Town's Comprehensive Plan.
 - (xviii) Plat notes, easements and restrictions as appropriate to implement required FAA aviation regulations.
- (2) The final plat shall be accompanied by a computation showing closure of the tract boundary to one foot (1') in five thousand feet (5,000') or better. The final plat and accompanying plans shall be drawn to a scale of not less than one inch equals one hundred feet (1"=100').
- (3) The preliminary plat may be submitted for a portion of the final plat, or "phased", subject to the following conditions:
- (a) All required improvements, utilities and road infrastructure must be accessible to the remaining aggregate of unsubdivided land, or "outlot".
 - (b) In instances where completion of required improvement, utilities or road infrastructure with the outlot is determined by the Town to be necessary as a condition of approval of that final plat, the developer shall be required to complete said

improvements, utilities or road infrastructure upon approval of that final plat. This may include, but not be limited to, completion of necessary road infrastructure, stormwater drainage system, trails and park development.

- (c) In instances where the dedication of land for public purposes within the outlot is determined by the Town to be necessary as a condition of approval of that final plat, the developer shall be required to dedicate said lands upon approval of that final plat. This may include, but not be limited to, the dedication and development of land for parks, trails, open space, right-of-way and easements.
- (4) The final plat shall be accompanied by security for the completion of any uncompleted improvements in accordance with **Section 4.5.8** of these regulations.
- (5) Accompanying the final plat shall be two (2) copies of the “as-built” plans for sanitary sewers, storm sewers or drainage systems and the water and fire systems showing grades, pipe sizes, pipe types, outlets, connection points and other information which the Town Engineer may require along with as-built plans for all other utility systems. As-built plans and data shall also be provided on diskette in a digital format compatible with Town computer systems, and in accordance with Town specifications. As-built plans for any improvements not completed at the time the final plat is submitted shall be submitted prior to inspection or approval of the improvements and released of any security.
- (6) Upon complete submittal of all required information, the Town Land Use Staff shall, within 30 days, provide initial review of the final plat, and make a recommendation to the Town Board to approve the plat, provided that all supporting documentation has been properly submitted and the plat meets all requirements, disapprove the plat if it does not appear to comply with provisions of this Chapter, or approve the plat with modifications.
- (7) Advance notice of the final plat review by the Town Board shall be provided by publication, with location map of the property to be subdivided. The Town shall provide the notice.
- (8) Upon conclusion of the hearing, the Board may approve the plat, approve it subject to conditions necessary to implement the provisions of this Chapter, or disapprove the plat if it finds that the requirements of these regulation have not been met.
- (9) No final plat shall be approved by the Town Board until:
 - (a) All of the improvements required by these subdivision regulations have been installed, inspected and approved by the Town Planner, or properly secured in accordance with

the provisions of **Section 4.5.8** of these regulations on forms approved by the Town.

- (b) Two (2) hard copies of as-built plans and data for completed utility improvements have been provided, and also provided on diskette in a digital format acceptable to the Town and compatible with Town computer systems. As-built plans for any improvements not completed at the time the final plat is submitted, and secured in accordance with the provisions of **Section 4.5.8**, shall be submitted prior to inspection or final approval of the improvements and release of any security.
 - (c) The final plat has been submitted in final form on one (1) reproducible mylar, with all requisite signatures, and also on diskette in a digital format acceptable to the Town, and compatible with Town computer systems.
 - (d) Payment to the Town of any costs incurred by the Town within the subdivision review process, which costs are specifically subject to reimbursement.
- (10) Following final approval and execution by the Town, the plat shall be recorded, with due diligence, by the Town at the developer's expense.

4.5.5: REQUIRED IMPROVEMENTS

4.5.5.1.1. All subdivisions and improvements shall be in substantial compliance with the Town Comprehensive Plan.

4.5.5.1.2. All subdivisions shall provide, at the expense of the subdivider, and subject to applicable zoning criteria, with the following public improvements required to serve the subdivision and to mitigate its impacts (if applicable).

- (1) Street improvements:
 - (a) Paved Streets;
 - (b) Paved alleys, if required by the Town;
 - (c) Street signs;
 - (d) Street lights;
 - (e) On and off-site traffic mitigation improvements.
- (2) Curbs, gutter, sidewalks and accessibility ramps.
- (3) Blocks and Lots

- (4) Parks, open space and recreation trails.
- (5) Public utilities:
 - (a) A water system including fire hydrants and fire mains;
 - (b) A sanitary sewer system;
 - (c) A stormwater system;
 - (d) Other public utilities, including if available, gas, electricity, telephone, and CATV;
- (6) Piped drainage facilities and waterways.
- (7) School land dedication.
- (8) Survey monuments.
- (9) Berms, screening and buffers, if applicable.
- (10) Off-street parking, mailbox location areas and school bus stops, if applicable.

4.5.5.1.3. Other improvements required as a condition of approval and found to be roughly proportional to the impacts being mitigated. All public improvements shall be subject to applicable Town Minimum Design Standards, Regulations and Specifications.

4.5.5.1.4. Following the completion of any required improvements and submission of the as-built plans, the Public Works Director shall conduct an inspection and if the improvements are in accordance with the requirements of these and other applicable regulations and good engineering and constructions standards, shall issue a certificate of completion. For a period of one year thereafter, the subdivider shall be responsible to correct all defects or failures, which appear in such improvements. At the end of said one-year warranty period, the developer shall request of the Town Planner final inspection of the improvements, which inspection shall be conducted by the Town Planner, and upon final approval, the improvements shall be accepted by the Town. The warranty shall continue, however, until such acceptance is provided in writing to the developer.

4.5.5.5. All property, improvements and easements dedicated to the Town on any plat shall become property of the Town upon execution of the plat, free and clear of all mortgages, liens and encumbrances. All dedication improvements shall be subject to the one-year warranty as provided above.

4.5.5.6. The subdivider may provide, at his or her expense, certain private improvements as specifically referenced below, to serve the subdivision and to mitigate its impacts, and in accordance with duly adopted Town standards, if applicable.

- (1) Recreational facilities, parks, open space and trails;
- (2) Piped drainage facilities and waterways;
- (3) Mail box location areas;
- (4) Berms, screening and buffers;
- (5) Other private improvements required as a condition of approval.

Such improvements shall be privately owned and/or maintained, and the plat shall contain appropriate restrictions on the use and covenants for ownership and maintenance in perpetuity enforceable by the Town, providing for recovery of the Town's costs by lien or assessment against the property in the subdivision. Such improvements shall be completed or secure similar to public improvements prior to final plat approval.

4.5.6: MINIMUM DESIGN STANDARDS

4.5.6.1. Improvements shall be constructed in accordance with the minimum standards set forth below or other applicable Town ordinances or regulations. All public and private improvements shall be in substantial conformity with the preliminary plat as approved, the Town Comprehensive Plan and amendments thereto, and in accordance with good engineering and construction practices. All plans must be approved in advance by the Town Planner.

4.5.6.2. The Planning and Zoning Commission may recommend to the Town Board a deviation from these standards during preliminary or final plat review, is and only if all the below criteria are met. The Board may accept or deny the recommendation accordingly.

- (1) Unusual topography or a hardship exists;
- (2) Alternative standards will more effectively protect the quality of the subdivision and the public welfare and more effectively achieve the purpose of these regulations;
- (3) Alternative standards will more effectively implement provisions of the Town's Comprehensive Plan.
- (4) Alternative standards will more effectively conform to existing improvements within the subdivision, which existing improvements have been previously approved by either the Town of South Fork or the County of Rio Grande in accordance with applicable laws and regulations.

4.5.6.3. Minimum Standards.

(1) Streets

- (a) Subdivider shall be required to make and install improvements to existing streets within and abutting the subdivision and / or other areas outside the subdivision or any filing thereof being considered, including but not limited to curbs, gutter, sidewalks and street paving improvements, when the subdivision and developments thereof will directly create a need for said improvements outside the subdivision itself, or a need to expand or improve existing public improvements to current standards in order to properly serve future residents of the subdivision, or if the subdivider or their predecessors of interest by virtue of their actions and the timing and scope of developing the subdivision or other property have created a situation where the needed improvements were not previously improved or installed. It shall be presumed that existing streets and sidewalks directly abutting the subdivision must be improved to current Town standards in order to properly serve the subdivision.
- (b) In those cases where the Town determines that the immediate improvements of the abutting street, or other on-site or off-site improvements, is not currently practical, or should be delayed, or the costs of such improvements should be shared with additional property likely to use and be benefited by the improvements, the developer may be allowed to execute recordable covenants on the plat or separately in a form provided by the Town, binding the lots an improvement district for the construction of such improvements.
- (c) Wherever topography will permit, the arrangement with and continuation of existing streets in adjoining areas.
- (d) Cul-de-sacs shall terminate in a circular turn-around having a minimum right of way of at least one hundred feet (100'0) in diameter and a paved turn-around with a minimum outside diameter of eighty feet (80'). Cul-de-sacs shall be located at least forty feet (40') from intersections.
- (e) Temporary dead-end streets, which extend for a distance greater than the depth of one abutting lot, shall be provided with a temporary turn-around having a inside diameter of at least eighty feet (80').
- (f) Whenever a new street is proposed along the edge of the subdivision, the entire street shall be dedicated and improved within the subdivision.
- (g) No more than two (2) streets shall intersect at any point. Intersections shall be as near as practicable to ninety

degrees (90). A street shall have a minimum straight distance of one hundred feet (100') from the intersection before it may be curved.

- (h) A straight section of one hundred feet (100') shall be provided between reverse curves on all streets.
- (i) All lots in the subdivision will have direct access to a dedicated street, subject to the following exceptions:
 - (i) private access drives, subject to Town specifications, may be approved for subdivisions with a total of six (6) or less units in residential zoning district.
 - (ii) reciprocal access easements may be approved to accommodate subdivisions with multiple commercial units with contiguous parking area in commercial zoning districts.
- (j) Any two (2) streets which intersect a common third street shall have centerlines no closer than one hundred twenty five feet (125') from one another.
- (k) The length of local streets between intersections shall be subject to maximum of fifteen hundred feet (1,500').
- (l) Street names must be approved by the Town. Absolutely no duplication of names is permitted.
- (m) All streets, alleys, sidewalks, recreation paths, parks of two acres or larger, and other public ways or places must be dedicated to the Town by the owners of any interest therein except the owners of severed mineral or water interests.
- (n) Street shall be developed in accordance with the Town Transportation Plan. The minimum dedicated right of way shall be as follows:

Street Classification	Minimum Right of Way	Minimum Pavement Width Between Face Of Curbs
Major Arterial	100 feet	64 feet
Minor Arterial	80 feet	48 feet
Collector	60 feet	42 feet
Local	50 feet	38 feet

- (o) Subdivisions, which include any part of an existing platted street, which does not conform to the minimum right-of way requirements of these regulations, may be required to provide additional width necessary to meet the minimum right-of-way requirements of these regulations.
- (p) No street grade shall be less than one-half of one percent (0.5%) or exceed the following maximum grade:

<u>Street Classification</u>	<u>Maximum % Grade</u>	<u>Minimum Radius Of Curve</u>	<u>Minimum Sight Distance*</u>
Major Arterial	5%	400 feet	500 feet
Minor arterial	5%	400 feet	500 feet
Collector	8%	300 feet	300 feet
Local	8%	100 feet	200 feet

*as measure between points four feet (4') above the centerline of the street.

- (q) Alleys shall be provided at the rear of lots within the commercial zoning districts, or as otherwise approved by the Town. Alleys shall be twenty feet (20') in width and shall be paved in accordance with Town Specifications.

(2) Curb, gutter and sidewalks

- (a) Curb, gutter and six-foot (6') sidewalks shall be provided along major and minor arterial; curbs, gutters and four-foot (4') sidewalks shall be provided along collector and local streets. As required.
- (b) Sidewalks shall be located and constructed as necessary to interconnect the subdivision and lots therein with the network of Town sidewalks, recreation paths and trails.
- (c) Accessibility ramps shall be provided in accordance with the American's with Disabilities Act.
 - (i) The Town may require any sidewalk to be wider than those standards set forth herein, upon a finding that such that greater widths are necessary to serve

the subdivision, due to: high density of the subdivision;

- (ii) Special needs of the residents of the subdivision;
- (iii) Connection to existing wider sidewalks or recreation paths. those instances where a subdivider is required to provide six foot (6') sidewalks on both sides of a street, the Town may elect to have the subdivider provide, as an alternative, and eight foot (8') sidewalk on one side, and a four foot (4') on the other.

- (e) The Town may elect to require over-sizing of any sidewalk and participate in costs sharing thereof.

(3) Blocks and Lots

- (a) In residentially zones districts, blocks shall be wide enough to permit two (2) lots between lengthwise streets.
- (b) The building line for residential lots on collector streets shall be set back twenty-five feet (25') from the front property line.
- (c) The building line on corner lots shall be set back twenty-five (25') from both street front property lines.
- (d) Lots which abut a street in the front and the rear shall be avoided except where a railroad right-of-way, a major arterial or minor arterial street, is located to the rear of the lot, in which case such a lot shall have a minimum depth of one hundred twenty five feet (125'). Lots abutting cul-de-sacs shall have a minimum frontage of twenty-five feet (25').
- (e) Every lot shall front on designated collector or local street, subject however to the following exceptions:
 - (i) Private shared access drives accessing more than one dwelling unit may be allowable, subject to Town approval, in subdivisions containing a total of six (6) or less dwelling units in residential zoning district;
 - (ii) Private access easements may be provided, subject to Town approval, in subdivisions within commercial zoning districts across parking lot areas;
 - (iii) In such instances, the shared access improvements shall be subject to Town specifications and the restrictions set forth in **Section 4.5.6.3**.above.

- (f) No residential lot shall front on a major arterial or minor arterial street. No access shall be permitted directly from a residential lot to a major arterial or minor arterial street.
 - (g) The lot depth shall not be more than three (3) times the lot width at the front building line. The exception to this rule is lots on a cul-de-sac.
 - (h) Access drives and intersections shall comply with Town access standards and the Transportation Plan. In addition, accesses onto County roads shall comply with applicable County regulations.
 - (i) Lots shall be at least fifty feet (50') in width at the front building line. Lots abutting cul-de-sacs shall have at least twenty-five feet (25') of linear frontage to the cul-de-sac.
- (4) Parks, open space and trails.
- (a) The provision of parks, open space and recreation trails shall conform to the Town Parks, Trails and Open Space Plan, the minimum design standards as set forth herein, and the Town specifications for parks.
 - (b) Recreation paths shall have a minimum width of eight feet (8') concrete in accordance with town specifications, and shall have two foot (2') gravel recovery areas on each side. Recreation paths with alternative surfaces and narrower widths may also be approved.
 - (c) All non-public common areas, parks and open spaces shall be held in private ownership and maintained in perpetuity, with appropriate platted restrictions on use and covenants for ownership and maintenance in accordance to the provisions of **4.5.6.3.** above. All non-public common area shall be located, constructed and installed in compliance with plans as reviewed and approved.
 - (d) Sidewalks and recreation trails shall be integrated with existing and planned sidewalks and recreation trails in accordance with the Town Parks, Trails and Open Space Plan.
 - (e) Unless otherwise authorized, all sidewalk and recreation trails shall be available for use by the public and shall be dedicated to the Town. All public sidewalk and recreation trails shall conform to the Americans with Disabilities Act.
 - (f) Unless otherwise authorized, parks developed in accordance with Town standards and specifications, and at

least two acres in size, shall be available for use by the public and shall be dedicated to the Town.

- (g) Consistent with the Town Parks, Trails and Open Space Plan, subdividers shall dedicate to the Town developed park land based upon a formula of seven (7) acres of developed and usable park land per density of one thousand (1,000) residents, calculated at build-out of the proposed subdivision. For purpose of this calculation, it shall be assumed that each residential unit shall house two and one-half (2.5) residents.
- (h) For purpose of these provisions, developed park land shall require prior submittal and approval of a park plan by the Town Land Use Staff, which plan shall address grading and topsoil preparation, irrigation system, park access and landscape planting.
- (i) When authorized by the Town, the required dedication of developed park land may be partially or wholly substituted by alternative dedication and/or preservation of open space areas such as riparian habitat, wetlands habitat, wildlife habitat and view corridors.
- (j) For those subdivisions where the dedication of park land or open space is not practicable, such as subdivisions involving small land areas or few lots, the Town may require, in its discretion, a money in lieu of payment based upon Rio Grande County Land Values, and calculated below. When possible, the requirement for money in lieu of dedication shall be noted as a plat note on the final plat of the subdivision accordingly.

Lot or Unit x 0.0175 (acres park land per lot or unit) x \$30,000 (value per developed park land acre, based upon \$18,000 per acre undeveloped land value plus \$12,000 park land development cost) = \$525 per lot or unit.
- (k) Moneys collected in lieu of park land dedicated shall be collected at time of issuance of building permit and placed into a Town park development fund to be earmarked for future acquisition or development of parks, open space or trails. No security as set forth in **Section 4.5.8** shall be required.
- (l) Natural watercourses may be developed and preserved consistent with Town Floodplain Management Regulations, Storm Drainage Requirements and Federal Clean Water Act Section 404 Permit requirements, to minimize safety, environmental, and other hazards and shall be integrated

with Town's Master Plan for such watercourses whenever feasible. Parks, open space and trails shall be sited in flood plains instead of developed lots when reasonable to do so.

(5) Public utilities:

- (a) All utilities shall be installed underground unless the Town Public Works Director determines that soil or topographic conditions make that impracticable.
- (b) Utilities shall be installed prior to the paving of any street under which they are to be located and the individual service lines shall be connected and stubbed out prior to paving, in order to avoid the necessity of cutting into the pavement to connect any abutting lots.
- (c) Utilities will be sized and placed as necessary to facilitate connection with future subdivisions and developments. At a minimum, six-inch (6") water main lines shall be provided in residential zoning districts, and eight-inch (8") water main lines shall be provided in commercial and industrial zoning districts. At a minimum, eight-inch (8") sewer main lines shall be provided in all zoning districts. Multiple buildings within a single lot shall each require a singular water and sewer lateral connection to a main line.
- (d) The Town may elect to require over-sizing of the extended utility and pay for the cost of such material accordingly.
- (e) South Fork Water and Sanitation District water and sewer systems shall be provided except where the Town has required an alternative supplier by service area agreement with such alternative provider. In cases where alternative utilities are provided on a temporary basis, connection to South Fork Water and Sanitation District services shall be required at such time they are made available to the subject property.
- (f) In the event that South Fork Water and Sanitation District services will not be available within a reasonable time period following final plat approval, engineered individual sewage disposal systems may be authorized by the Town for those subdivisions occurring within the residential "rural living" zoning districts with lot sizes of five (5) acres or greater. Advance Town approval shall be required in each case.
- (g) All extension of South Fork Water and Sanitation District utilities shall require District approval and proper execution of District utility extension agreements. The extension of utilities shall be at the sole expense of the subdivider.

- (h) Prior to any installation or construction of utility extensions, the subdivider shall first submit proposed alignment location maps and engineered drawings for Town approval. The subdivider shall acquire all necessary easements for the proposed utility location from all affected properties. The easements shall be conveyed to the Town and executed on applicable Town forms.
- (i) All utility extensions shall be subject to Town and District inspection and approval.
- (j) All utility main line extensions, once approved by the Town and the District, shall be dedicated to the District with applicable utility easements. As-built plans and data shall be provided on hard copy in accordance with these provisions and on diskette in a digital format compatible with District computer systems.
- (k) Following the completion of any utility extension and submission of as-built plans, the Town Public Works Director and the District Engineer shall conduct an inspection and if the improvements are in accordance with the requirements of these and other applicable regulations and good engineering and construction standards, shall issue a certificate of completion. For a period of one year thereafter, the subdivider shall be responsible for correcting all defects and failures, which appear in such improvements. At the end of said one-year warranty period, the improvements shall again be inspected by the Town Public Works Director and the District Engineer, and upon final approval, may be accepted by the Town and District.

(6) Piped drainage facilities and waterways.

- (a) Stormwater discharge improvements shall be engineered and approved with Town specifications. Stormwater retention on site shall be discouraged. When feasible to do so, all ditches shall be piped and subject to platted easements to be dedicated either to the Town or to the applicable owner of the ditch facilities. The Town may elect to allow the location of ditch facilities within its rights-of-way at its discretion. Perpetual maintenance shall be provided pursuant to plat notes and/or Town approved covenants.
- (b) Permission shall be acquired, in writing, from all applicable owners of ditch facilities prior to improvements thereto.
- (c) No discharges of urban stormwater into any irrigation ditch facilities shall be allowed. No discharges of urban stormwater into agricultural drainage ditch facilities shall be

allowed, unless otherwise approved by the owning interest in said drainage facilities.

(7) School Land Dedication

(a) The subdivider shall dedicate to the Town land for development of school based upon the below formula of 17.83 acres of vacant land per density of one thousand units or lots, calculated at build-out of the proposed subdivision. This is based upon an average of 0.64 students per residential unit.

(b) All of the dedicated shall be of a singular parcel, shall meet the minimum size requirements for the intended use, and shall be suitable for construction of school facilities. The – C-7 School District shall review the subdivider's request to dedicate land or pay cash-in-lieu of land dedication, and shall provide its recommendation to the Town Land Use Staff accordingly.

Elementary school =15 acres
Middle school =30 acres
High school =55 acres

(c) For those subdivisions where the dedication of school land is not practicable, such as subdivisions involving small land area, or where the area of the land is not suitable or sufficient for purposed construction of school facilities, the Town shall require a money-in-lieu-of payment equal to the value of the property otherwise developed and dedicated in accordance with these provisions. The value of the property shall be based upon Rio Grande County Land Values, as adjusted from time to time, and calculated as follows:

School	Student Per Lot	Acres per Student	Dollars per Acre	In-Lieu Fees
Elementary	.294	.033	\$18,000	\$175
Middle	.154	.067	\$18,000	\$185
High	.192	.037	\$18,000	\$128
TOTAL				\$488

(d) Moneys collected in lieu of school land dedication shall be collected at time of issuance of building permit (or certificate of occupancy for those buildings commenced prior to final plat approval) and placed into a school land fund to be disbursed to the Consolidated School District on a quarterly

basis. No security as set forth in **Section 4.5.8** shall be required.

- (e) When possible, the requirement for money in lieu of dedication shall be noted as a plat note on the final plat of the subdivision, or within the recorded declaration of covenants for residential development not requiring subdivision, such as mobile home parks.
- (f) The following shall be exempted from school land dedication requirements or payment-in-lieu-of fees:
 - (j) Nursing homes as defined in the Town Code;
 - (ii) Town approved subdivisions that are subject to recorded covenants restricting the age of the residents of said dwelling units such that the dwelling may be classified as “housing for older persons” pursuant to the Federal Fair Housing Amendments Act of 1988.
 - (iii) RV parks and other residential zoning uses that do not accommodate permanent residential housing.
- (8) Monuments: Subject to approval monuments shall be set in concrete and placed at all corners of all street intersections’ at the intersections of the boundary of the subdivision with street right-of-way lines, at angle points and points of curve in each street and at points of change in direction of the exterior boundaries of the subdivision. The top of the monument shall have a metal cap set flush to identify the location. All lot corners shall be monumented with a minimum of a #5 rebar 18” in length and metal cap.

Berms, screening and buffers: Buffers and /or screening shall be provided between incompatible uses both within the subdivision and adjoining the subdivision in accordance with Town design standards and specifications.

- (9) Street Lights.
 - (a) All lighting shall conform to Town standards and specifications.
 - (b) In all subdivisions, except for residential zoned “rural living” and “estate” subdivisions, streetlights shall be provided at all intersections and at intervals between intersections in accordance with Town specifications.
 - (c) In residential “rural living” zoning district and “estate” subdivisions, streetlights shall only be required at street intersections, with no interval requirements.

- (d) Street lighting shall consist of 100-watt high-pressure Sodium (HPS) bulbs, or alternative designs and wattage as approved by the Town. All fixtures shall be designed with lenses and/or shielding so as to minimize diffuse light.

4.5.7: SECURITY FOR COMPLETION OF IMPROVEMENTS

4.5.7.1. If the subdivider wished to have the final plat approved prior to the installation, inspection and approval of all required improvements, the subdivider must provide security to guarantee the completion of all improvements within two (2) years after approval of the final plat in accordance with this Section, incorporated into the Subdivision Improvements Agreement.

- (1) Said security shall be in the form of:
 - (a) A subdivision lien agreement placing an adequate lien upon the lots of the subdivision, with an escrow account with the Town into which the subdivider shall pay, prior to the sale of any lot within the subdivision, an amount to be verified by the Town Public Works Director equal to one hundred and fifty percent (150%) of the pro rata cost to complete the subdivision improvements necessary to serve that lot; or;
 - (b) A cash escrow deposited with the Town or a clear irrevocable letter of credit in the amount to be certified by the Town Public Works Director equal to one hundred and fifty percent (150%) of the pro rata cost to complete the subdivision improvements necessary to serve that lot.
- (2) Funds in any escrow account shall be returned to the subdivider upon the completion and acceptance by the Town of the subdivision improvements(s).
- (3) Security shall be required for money in lieu of payments relative to park land and school land dedications provided in **Section 4.5.7**, as such money payments shall be collected upon issuance of building permits relative to subdivision lots or units.

4.5.7.2. The subdivider shall complete all improvements within two (2) years of the approval of the final plat by the Town Board. In the event that all required improvements are not completed, inspected and approved within two (2) years of the date of the approval of the final plat by the Town Board, no further building permits, occupancy permits, water taps or sewer taps shall be allowed by the Town in such subdivision until such improvements are completed.

4.5.7.3. The Town Board may authorize extensions of time to complete all improvements beyond the two (2) year limitation as set forth herein.

4.5.8: MINOR SUBDIVISIONS

4.5.8.1.1. Subdivisions which meet all of the following criteria do not require a sketch plan or preliminary plat to be submitted, and may be approved administratively without notice and hearing.

- (1) The subdivision results in no more than three (3) tracts or lots or interest.
- (2) All lots or tracts are adjacent to a dedicated and accepted public street.
- (3) The lots are part of a subdivision plat that has been previously approved and/or accepted by the Town and recorded in the Rio Grande County Records.
- (4) The improvement required by these regulations are already in existence and available to serve each lot, or secured.
- (5) Each lot will meet requirements of the applicable Town zoning regulations without the necessity for any variance and no variance has been granted within the three-(3) previous years.
- (6) No part of the subdivision has been approved as part of a minor subdivision within three (3) years prior to the date of submission of the minor subdivision plat.
- (7) No material changes to prior plat notes; restrictions or easements are proposed.

4.5.8.1.2. Submittals of sketch plans and preliminary plats are not required. Five (5) copies of the minor subdivision plat shall be filed with the Town. A filing fee of \$200 shall be submitted upon filing of the plat, which fee shall cover all administrative costs.

4.5.8.1.3. The plat shall contain Certification on forms approved by the Town to document approval of the plat, including but not limited to the following:

- (1) The name of the subdivision and the name, address and phone number of the subdivider, and his representative if applicable, said information to be included within a title box located on the lower right corner of the plat.
- (2) A certification by a registered surveyor, attesting to the accuracy of the survey plat and placement of monuments, and compliance with the requirements of this Chapter and State law.

- (3) The name of the surveyor preparing the plat, the date of the plat, said information to be included within a title box located on the lower right corner of the plat.
- (4) A certification of Title Insurance to the property is in the name of those parties.
- (5) A certification of recording to be executed by the County Clerk and Recorder.

4.5.8.1.4. The Town Land Use Administrator may either approve, disapprove or conditionally approved the plat subject to compliance with any minimum design standards; to dedication of additional right-of-way, easements, open space or park land; or to installation of additional improvements.

4.5.8.1.5. Upon approval by the Town Land Use Administrator, the plat of the minor subdivision shall be submitted in final form on one (1) reproducible mylars, with all requisite signatures, and also on diskette in a digital format acceptable to the Town, and compatible with Town computer system.

4.5.9: AMENDED PLATS

4.5.9.1.1. A Plat can only be amended before any sale of property. No plat can be amended after any sale of a single lot in that plat. The only condition were this is not true is when the developer has a written, notarized agreement with 100% of the property owners agreeing to the amended plat.

Amended Plats may be submitted without a sketch plan or preliminary plat if they meet the below requirements. Five (5) copies of the amended plat shall be filed with the Town. A filing fee of \$200 shall be submitted upon filing of the Plat, which fee shall cover all administrative costs.

- (1) The plat, as amended, reduces the number of lots within the subdivision; or the nature of the amendment is *de minimus*.
- (2) All lots or tracts are adjacent to a dedicated public street.
- (3) The lots are part of a subdivision plat, which has been approved and/or accepted by the Town and recorded in the Rio Grande County Records.
- (4) The improvements required by these regulations are already in existence and available to serve each lot, or secured.
- (5) Each lot will meet requirements of the applicable Town zoning regulations without the necessity for any variance and no variance has been granted within the three-(3) previous years. No material changes to prior plat notes; restrictions or easements are proposed.

4.5.9.1.2. Submittals of sketch plans and preliminary plats are not required. The Town Land Use Administrator may either approve, disapprove or conditionally approve the plat subject to compliance with any minimum design standards; to dedication of additional right-of-way, easements, open space or park land; or to installation of additional improvements.

4.5.9.1.3. The plat shall contain certification on forms approved by the Town to document approval of the plat, including but not limited to the following:

- (1) The name of the subdivision and the name, address and phone number of the subdivider, and his representative if applicable, said information to be included within a title box located on the lower right corner of the plat.
- (2) A certification by a registered land surveyor, attesting to the accuracy of the survey plat and placement of monuments, and compliance with the requirements of this Chapter and State law.
- (3) The name of the surveyor preparing the plat, the date of the plat, said information to be included within a title box located on the lower right corner of the plat.
- (4) A certification of Title Insurance to the property is in the name of those parties.
- (5) A certification of recording to be executed by the County Clerk and Recorder.

4.5.9.1.4. The Town Land Use Administrator may either approve, disapprove or conditionally approve the plat subject to compliance with any minimum design standards; to dedication of additional right-of-way, easements, open space or park land; or to installation of additional improvements.

4.5.9.1.5. Upon approval by the Town Land Use Administrator, the amended plat shall be submitted in final form on one (1) reproducible mylars, with all requisite signatures, and also on diskette in a digital format acceptable to the Town, and compatible with Town computer system.

4.5.10: ADMINISTRATIVE REVIEW HEARING

4.5.10.1. Upon Town Board final action concerning either preliminary plat or final plat, the subdivider may request, in writing and submitted to the Town within 30 days of said final action, and administrative review hearing before the Town Board.

4.5.10.1. The administrative review hearing shall be limited to review of:

- (1) denial of the plat;

- (2) minimum standards and/or conditions imposed as a requirement of approval of the plat.

4.5.10.2. The hearing shall be conducted on record, and the Board shall prepare and submit to the subdivider a written summary of its findings and decision in the matter.

CHAPTER 4.6
SITE DEVELOPMENT SPECIFICATION

Table of Contents

PURPOSE AND APPLICATION (4.6.1)	190
MINIMUM REQUIREMENTS FOR SITE DEVELOPMENT PLANS (4.6.2)	190
SUMMARY OF CONSTRUCTION AND DEVELOPMENT STANDARDS (4.6.3)	191
SITE DEVELOPMENT STANDARDS FOR LANDSCAPING (4.6.4)	191
SITE DEVELOPMENT STANDARDS FOR OFF-STREET PARKING AREAS (4.6.5)	195
SITE DEVELOPMENT STANDARDS FOR DRAINAGE AREAS (4.6.6)	196
SITE DEVELOPMENT STANDARDS FOR USE OF PUBLIC RIGHTS-OF-WAY (4.6.7)	197

4.6.1: PURPOSE AND APPLICATION

- 4.6.1.1.** These Site Development Standards are promulgated to supplement existing Town Construction Standards and Specifications to implement requirements for site development permits, landscaping, drainage, parking lots, and the use of Town right-of-way by abutting property owners as set out in amendments to the Town Code, initially enacted by Ordinance No. 2001-04.
- 4.6.1.2.** The Board of Adjustments may authorize deviations from these Standards if they determine that alternative plans will more adequately protect the public health, safety and welfare and more effectively present a landscaped and aesthetically pleasing development of the site than strict compliance with these specifications would provide.
- 4.6.1.3.1.** The Land Use Administrator shall be responsible to administer these Standards.
- 4.6.1.4.** These Standards shall apply to all developments requiring a building permit, whether for new construction or additions to existing structures, except for single family residences, farms, and airport facilities subject to superseding federal regulations relative to site development.

4.6.2 MINIMUM REQUIREMENTS FOR SITE DEVELOPMENT PLANS

- 4.6.2.1.** Site Development Plans shall be accurately drawn to a scale large enough to allow for the level of detail necessary to show the following necessary inclusions (no less than 1 inch equal 40 feet):
 - (1) The location of all property lines, existing structures, proposed structures, and existing and proposed curb, gutter and sidewalk along all abutting streets and sidewalk on the site.
 - (2) The location of existing and proposed off-street parking areas, driveways and parking lot islands.
 - (3) The location of existing and proposed site drainage patterns (showing drainage structures, culverts, ditches, retention basins, and similar facilities).
 - (4) The location of existing and proposed utility lines including water, sewer, power, telephone, cable television and natural gas.
 - (5) The location of existing and proposed signage.
 - (6) The location of all existing and proposed landscape, including trees, shrubs, ground cover, site furnishings and other landscape features. Plat materials shall be identified by direct labeling where

possible or by a clearly understandable legend. The type of irrigation and location of water sources shall be indicated.

- (7) Two-foot contour lines, scale and north arrow, and note of existing and proposed land ownership.

- 4.6.2.2.** The Site Development Plan shall be submitted with the Town's required application, a current deed to the property or other evidence of title. A checklist of Site Development Plan requirements shall be provided by the Town with each application form.

4.6.3 SUMMARY OF CONSTRUCTION AND DEVELOPMENT STANDARDS

- 4.6.3.1.** All landscaping shall be developed in accordance with the Site Development Standards for Landscaping. **(Section 4.5.6)**
- 4.6.3.2.** Parking areas shall be developed in accordance with Site Development Standards for off-street parking areas. **(Section 4.2.2)** and Town specifications.
- 4.6.3.3.** Drainage plans shall be developed in accordance with the Site Development Standards for drainage. **(Section 4.5.6)**
- 4.6.3.4.** Curbs, gutters and sidewalks shall be designed and constructed in accordance with Town specifications for curb, gutter and sidewalk. **(Chapter 4.7)**
- 4.6.3.5.** Street paving shall be designed and constructed in accordance with Town specifications for street design and construction. **(Chapter 4.8)**

4.6.4 SITE DEVELOPMENT STANDARDS FOR LANDSCAPING.

- (1) The purpose of these landscape requirements is to create an attractive environment which lends to the quality of life in the Town of South Fork. It is contemplated that these requirements will result, over time, in the enhanced beauty of the Town environment, the visual relief from large expanses of off-street parking and space development Plan. Living plant material shall be projected to maturity in determining area coverage (or seasonal peak growth for flowers).
- (2) Non-plant material such as rock or wood chips, may be used to cover up to 50% of the landscape area, unless otherwise approved as part of the overall Site Development Plan.
- (3) All landscape areas not requiring an irrigation system shall be within close proximity of an adequate water supply. It is recommended

that plants with similar water requirements be grouped together, and mulches are suggested for all planting beds due to the highly inorganic nature of the soils in this area. Steep grades shall be minimized and erosion shall be prevented in all circumstances.

- (4) To the extent necessary to establish suitable planting beds, the soil should be properly tilled and prepared prior to installation of the landscaping.

4.6.4.1. The following requirements shall apply in determining landscape areas:

- (1) For all lots, a minimum of 25% of the linear frontage of the developed site abutting public rights-of-ways, excluding alleys, unexcavated streets and rights-of-way not currently used for public travel, shall be landscaped to a depth of no less than 15 feet, unless the Town approves an alternative plan as presenting a more effective landscape view. For example, alternative designs such as the use of plants shall be considered. Such frontage landscape areas shall be utilized in calculating the minimum area requirements set forth in Subsection B (2) below.
- (2) Inclusive of the above frontage requirements, landscaping shall meet the following minimum space requirements. (These percentages represent the overall minimum space requirements for landscaping):
 - (a) For lots in Residential Zoning Districts, a minimum of 15% of the entire lot size not covered by buildings shall be landscaped.
 - (b) For lots in Commercial Zoning Districts, a minimum of 8% of the entire lot size not covered by buildings shall be landscaped.
 - (c) For lots in Individual Zoning Districts, a minimum of 4% of the entire lot size not covered by buildings shall be landscaped.
- (3) In all landscape areas, the plant materials shall not conflict with existing or proposed public utilities. For example, deep root species shall be avoided in places with underground utilities.
- (4) In parking lot areas with more than a single driveway aisle, landscape "islands" shall be provided. These islands shall collectively comprise less than 6% of the interior area of the entire parking lot area, and shall each be large enough to accommodate a mature tree, and no less than 6 feet in its longest base dimension.
 - (a) Parking lot islands shall be dispersed so to provide visual relief from large expanses of pavement and adequate tree shading.

- (b) Each island shall include at least one tree, and shall be subject to the 80% ground coverage requirement set forth in **4.6.4.1(1)** unless otherwise approved as part of the overall Site Development Plan.
 - (c) Parking lot islands shall be constructed with concrete curbing adequate to provide protection to the landscape area, and shall be constructed and located in such manner as to not obstruct visibility of intersecting driveway aisles, maneuvering areas, entrances and exits, and pedestrian areas.
- (5) Commercial and industrial storage areas (i.e., loading dock areas, yards and warehouses) shall be screened from:
 - (a) Adjoining public rights-of-way, excluding alleys, unexcavated streets and rights-of-way not currently used for public travel; and
 - (b) Adjoining residential areas. Screening shall be effectuated by use of landscaping and/or structural features such as berms and opaque fencing. Retail facilities such as car dealerships and rental businesses are not considered commercial storage areas for purposes of the Subsection. In instances where landscape screening is utilized, emphasis shall be placed on evergreen species which effectively provide year-round screening.
- (6) All trash receptacle areas in commercial, industrial or residential areas, excluding alley ways, shall be enclosed so as to effectively provide screening of the trash containers, or located in such a manner so as to eliminate view from adjoining rights-of-way and residential areas. Screening and/or location of trash receptacles shall, in all instances, allow for vehicular access for trash removal.

4.6.4.2 Each landscaped area shall include a variety of plant types which are regarded as suitable for this climate. Creative and attractive design is encouraged. Additionally, the following minimum quantities of trees and shrubs shall be required for all site developments:

- (1) On all frontage property subject to the 25% requirement set forth in Subsection **4.6.4.2 (1)** above, one tree shall be planted for every thirty linear feet frontage, subject to the visibility requirements in Subsection **4.6.4.5**.
- (2) No less than one tree and three shrubs shall be required for every eight- hundred (800) square feet of the entire landscape area. This requirement represents an overall minimum tree requirement, and shall be inclusive of trees planted in frontage areas pursuant to Subsection **4.6.4.3 (1)** and trees

planted in parking lot islands pursuant to Subsection **4.6.4.1 (4)** above.

- 4.6.4.3.** For properties with existing landscaping prior to development or modification, the existing landscaping, to the extent that it conforms with these Site Development Standards, shall be accounted in determining whether the above spatial requirements and minimum tree and shrub requirements are satisfied.
- 4.6.4.4.** In areas critical to pedestrian and vehicular traffic, shrubs and other plants must be installed and maintained to provide clear visibility. On site corners abutting intersecting roadways, all landscaping shall be limited to natural turf, ground cover or shrubs below 42 inches above the level of the roadway for a distance of at least twenty five feet along each side of the corner, or fifty feet along arterial or collector street. Landscaping near entries intersecting roadways shall also be subject to this same restriction.
- 4.6.4.5.** The property owner of record, or homeowner's association where applicable, shall be ultimately responsible for landscape maintenance. All landscape shall be continuously maintained including necessary watering, weed removal, litter removal, pruning, pest control and replacement of dead or diseased plant material. Replacement of dead or diseased plant material shall be of the same type of plant material as set forth in the approved landscape plan (i.e., a tree must be replaced with a tree), and all replacement must occur with due diligence, but in no event shall it occur in more time than one year.
- 4.6.4.6.** The following Materials Standards shall be required:
- (1) All plant material shall be acclimated and selected for their adaptability to local conditions.
 - (2) The minimum size and characteristics of plant material at the time of planting shall be as follows:
 - (a) Deciduous trees: One and one-half (1-1/2) inch caliper, measured six 6 inches above ground.
 - (b) Coniferous trees: Six (6) feet in height.
 - (c) Deciduous and evergreen shrubs: five-gallon size.
 - (d) Ground covers and vines: One-gallon size; except for junipers and other shrub-like ground covers, which shall be five-gallon.
 - (3) All plant materials must meet specifications of the American Association of Nurserymen (AAN) for number one grade. The AAN Standards are on file with the Town, and available for review.

- (4) No thorny shrubs or trees (Russian Olive) shall be allowed in areas near or adjoining pedestrian sidewalks or recreation areas.
- (5) The planting of any trees of the *Ulmus* genus (i.e., Elm) shall be prohibited, except for certified variety resistant to Dutch Elm Disease.
- (6) Box Elder (*Acer negundo*) and all trees of both the *Salix* genera (Willow) and *Populus* genera (Cottonwood), excluding Aspen (*Populus tremuloides*) and Narrowleaf Cottonwood (*Populus angustifolia*), shall not be planted within fifteen (15) feet of a public right-of-way.

4.6.4.7. In instances where non-plant material are to be used in landscape areas by Town approval, underlying weed barriers (geotextile fabric) shall be applied. The following requirements shall also apply:

- (1) If rock or stone is being applied, it must be one (1) to three (3) inches in size, and applied to a minimum of three (3) inches in depth. If redwood bark or woodchips are being applied, the depth must be at least three inches and this must be fire retarding material.
- (2) All landscape timbers or railroad ties must be new, unless specified otherwise by the Town, and must be pressure-impregnated with a wood preservative meeting current federal standards.
- (3) The applicability of any specific deviation in spatial requirements and plant material quantities shall be evaluated on its own unique site-specific conditions and in reference to the design and content of the overall Site Development Plan, the relationship of adjacent land uses and overall landscape architectural character of the surrounding area.

4.6.5: SITE DEVELOPMENT STANDARDS FOR OFF-STREET PARKING AREAS

4.6.5.1. Any off-street parking shall meet the following general requirements:

- (1) Unobstructed vehicular access to and from a public street shall be provided for all off-street parking areas. Vehicular access shall be provided in such a way as to protect the safety of persons using such access or traveling on the public street from which such access is obtained, and in such manner as to properly utilize the traffic carrying capacity of the public street.
- (2) The size of parking spaces, access drives and maneuvering areas shall be in conformance with the attached PARKING TABLE. **(See Chapter 4.2)**

- (3) Adequate maneuvering spaces shall be provided for the safe and efficient movement of vehicles and pedestrians in parking areas.
- (4) Off-street parking areas shall be located in the same lot or premises as the building or use for which they are required unless such spaces are provided collectively by two or more building or uses on adjacent lots and unless the total number of parking spaces supplied collectively is equal to the number of spaces required for the combined uses.
- (5) The number of parking spaces required for different types of developments is set forth in the Town Code **Section 4.2.2**.

4.6.5.2. All off-street parking and vehicular use areas shall be surfaces with asphalt, concrete, or other materials in conformance with Town specifications (**Town Code, Title 4, Chapter 4, Section 2**).

4.6.5.3. In parking areas with more than a single driveway aisle, landscape “islands” shall be provided. These islands shall collectively comprise of no less than 6% of the interior area of the parking lot, and shall each be large enough to accommodate a full size tree with no less than six 6 feet for its longest base dimension.

4.6.5.4. Parking lot islands shall be constructed with concrete curbing adequate to provide protection to the landscape area, and shall be constructed and located in such manner as to not obstruct visibility of intersecting aisles. Maneuvering areas, entrances and exits, and pedestrian areas.

4.6.5.5. Off-street parking for developments requiring a site development plan shall be subject to the landscape provisions of **Section 4.2.2** above and shall be configured with the necessary setbacks accordingly.

4.6.5.6. Parking spaces and accessibility for disabled persons shall be provided in accordance with ADA standards when applicable, as provided in **Town Code Section 4.5.7.3 (2)**

4.6.6 SITE DEVELOPMENT STANDARDS FOR DRAINAGE AREAS

4.6.6.1 This Subsection is intended to ensure that planning and design of drainage systems shall not be such as to transfer the problem from one property to another or to create a more hazardous or damaging condition downstream.

4.6.6.2 Drainage shall be shown on the Site Development Plan, and shall be prepared by a licensed, professional engineer for proposed development sites above two acres in area, or when natural or existing drainage patterns are significantly altered, or when concentration of flow off site is proposed, or when large impervious surfaces such as parking lots are proposed.

4.6.6.3 Design of all improvements shall conform to Town standards for storm drainage systems. Whenever possible, the flow shall be routed to a natural

drainage or Town storm drainage facility. All drainage systems designed to drain water from private property to Town rights-of-way shall be approved by the Town.

4.6.6.4 Design of drainage systems shall be based on the level of protection required for various land uses; major drainage systems shall be based on the runoff expected from the one hundred year storm, unless otherwise determined by the Town. Drainage from a development shall not increase erosion or increase flooding problems in the receiving drainage. Drainage shall not degrade the quality of surface and groundwater by increasing sedimentation or by introducing other detrimental constituents.

4.6.6.5 When a proposal would result in the alteration of natural or existing drainage patterns or the concentration of flow, an analysis prepared by a professional engineer must be provided that demonstrates receiving drainage ways (either natural or manmade) have sufficient capacity to convey the altered flows without causing increased damage, hazard, or liability. The analysis shall address cumulative drainage effects, not only from the development but also from other developments within the same drainage basin. The concentration of flow or alteration of drainage patterns must not result in increased erosion to downstream properties.

4.6.6.6 Acquisition of all permits required by State and Federal authorities for work to be done within or adjacent to an established waterway, irrigation canal, drainage system, or designated floodplain or floodway is the sole responsibility of the applicant. A copy of these permits shall be attached to the application.

4.6.7: SITE DEVELOPMENT STANDARDS FOR USE OF PUBLIC RIGHTS-OF-WAY

4.6.7.1. Driveways and Curb Cuts.

- (1) All driveways and curb cuts shall be installed only after the Town's approval of the plans, and shall be constructed and inspected in accordance with Town standards and specifications.

4.6.7.2. Uses of the Right-of-Way for Landscaping:

- (1) The owner of the abutting property is encouraged to landscape those portions of abutting street right-of-way not being used for street, sidewalk, bike path or other public purposes.
- (2) Existing landscaping, including ground cover, turf, trees, and shrubs may not be removed unless such removal is approved by the Town.
- (3) Prior to landscaping right-of-way areas, a landscape plan shall be submitted to the Town's Land Use Administrator for approval. This may be in conjunction with a Site Development Plan for abutting property.

- (4) The use of irrigated ground cover, turf, flowering plants, shrubs and trees is encouraged. Xeriscape landscaping making substantial use of low water-consumptive plant species and non-plant materials such as decorative rock is permissible, subject to the following conditions:
 - (a) Underlying weed barriers (geotextile fabric) shall be applied.
 - (b) If rock or stone is being applied, it must be one to three (3) inches in size, and applied to a minimum of three inches in depth. If redwood bark or wood chips are being applied, the minimum depth must be at least three inches and they must be fire retarding materials.
 - (c) At least ten percent (10%) of the xeriscape area is covered with living plant material, and the xeriscape area is planned and constructed in such a manner as to enhance compatibility with other abutting landscaped areas.
- (5) The requirements of **Section 4.6.6** above shall be met with regard to non-interference with public utilities, and the requirements of **Section 4.6.7** above shall be met regarding safety and visibility.

CHAPTER 4.7
CURBS, GUTTERS AND SIDEWALK SPECIFICATIONS

Table of Contents

Scope (4.7.1)	200
General Provisions (4.7.2)	200
Protection of Existing Facilities (4.7.3)	202
Materials (4.7.4)	203
Grading (4.7.5)	204
Forms (4.7.6)	205
Mixing Concrete (4.7.7)	205
Placing Concrete (4.7.8)	206
Curing (4.7.9)	208
Defaced Concrete (4.7.10)	208
Backfilling (4.7.11)	208
Opening to Traffic (4.7.12)	208
Connections with Existing Sidewalks (4.7.13)	209
Repairs (4.7.14)	209
Acceptance by Town (4.7.15)	209

4.7.1: SCOPE

The work covered by this specification concerns the furnishing of all labor, equipment and materials and performing all operations in connection with the construction of curb, gutter, crosspans, sidewalks and driveways in strict accordance with this specification and the applicable drawings.

4.7.2: GENERAL PROVISIONS

4.7.2.1. General: The provisions stipulated in this section are general in nature and shall be considered as applicable to all parts of these specifications, including any supplements and revisions.

4.7.2.2.. Definitions and Abbreviations: Wherever the following words, phrases or abbreviations appear in these specifications, they shall have the following meanings:

- (1) Town shall mean the Town of South Fork, Colorado.
- (2) Town Code shall mean the official adopted Town Code regulations of South Fork, Colorado.
- (3) Inspector shall mean the Land Use Administrator.
- (4) Utility shall mean the Water and Sanitation District Utilities.
- (5) Wherever the words, “as directed”, “as required”, “as permitted” or words of like meaning are used, it shall be understood that the direction, requirements or permission of the Inspector is intended. Similarly, the words “approved”, “acceptable”, “satisfactory” shall refer to approval by the Land Use Administrator.
- (6) Whenever references are made to standard specifications, methods of testing materials, codes, practices and requirements, it shall be understood that the latest revision of said references shall govern unless a specific revision is stated. Wherever any of the following abbreviations appear, they shall have the following meaning:

AASHTO – American Association of State Highway and Transportation Officials

ANSI – American National Standards Institute

ASTM – American Society for Testing and Materials

AWWA – American Water Works Association

APWA - American Public Works Association

- (7) Wherever the words “these specifications” or words of similar connotation are used, it shall be understood that reference is made to the Town of South Fork, Curb, Gutter & Sidewalk

Standards and Specifications, including all parts, supplements and revisions pertaining thereto.

4.7.2.3. Plan Approval

- (1) General: Plans for proposed curb, gutter and sidewalk construction shall be submitted on 24 x 36 inch sheets to the Engineer for approval. An overall plan shall be submitted along with individual plan and profile sheets. The plan shall show lots and blocks to be improved and the location of the curb, gutter and sidewalk with reference to property lines. The Inspector shall return the plans with either a stamp of approval or a letter designating necessary revisions required to receive approval. Upon presentation of the plans revised as per this letter, the Land Use Administrator will approve the plans without undue delay.
- (2) Effective Date: Construction plans approved by the Land Use Administrator shall be effective for a period not to exceed twenty-four (24) consecutive months from the official date of approval. After this period the plans shall be subject to further review by the Land Use Administrator to bring those portions of the plans, unconstructed, into compliance with current Town Standards and Specifications.
- (3) Plan Revisions: Should circumstances warrant changes to the approved plans or specifications, the proposed revision must be submitted and approval must be obtained from the Land Use Administrator, copies to be given to the Contractor, Developer and the Developer's Engineer. No work shall proceed on that portion of the project being revised until such revisions are submitted, approved and distributed. Minor deviations from the plans or specifications may be by written permission from the Land Use Administrator representative on the job.

4.7.2.4. Authority of the Land Use Administrator: The Land Use Administrator shall have the authority on behalf of the town to ascertain that all design and construction of facilities is equal to or better than the minimum requirements set forth in these specifications. The Land Use administrator shall have the additional authority to assign an Inspector to check any and all work, including all materials to be incorporated in the work, excavation, bedding, backfill and all construction methods and practice.

4.7.2.5. Authority of the Inspector: Inspectors are assigned to assist the Contractor in complying with these specifications. They have the authority to reject defective materials or inferior materials, defective workmanship and to suspend work until such time as the Contractor shall correct the situation in question, subject to final decision by the Land Use Administrator.

- 4.7.2.6.** Notice Before Beginning Work: The Contractor shall notify the Land Use administrator at least twenty-four (24) hours before beginning any construction. If for any reason work should stop on a project during any stage of construction for a period of more than twenty-four (24) hours, it shall be the responsibility of the Contractor to notify the Land Use Administrator at least twenty-four (24) hours prior to any resumption of work on the project. If the Contractor intends to work extended shifts, double shifts or hours other than the normal workday of the Town personnel, he shall notify the Land Use Administrator at least twenty-four (24) hours prior to such extension, except in the event of an emergency.
- 4.7.2.7.** Traffic Control: The Contractor shall be required to provide adequate construction signing, flagmen, barricades etc., to warn vehicular and pedestrian traffic of work in progress and divert as may be required during the course of construction. All signing shall meet the requirements of the Manual of Uniform Traffic Control Devices (M.U.C.T.D.). When specifically authorized by the Land Use Administration, portions of street shall be allowed to be closed to traffic for construction. However, the Contractor shall make every attempt to keep the time of closure of such streets to a minimum. It shall be the responsibility of the Contractor to notify the Fire, Police and Ambulance Departments twenty-four (24) hours prior to the closure of any street.
- 4.7.2.8.** Rejected Material: All materials installed shall be free of defects of manufacture. Any defective or damaged materials found in the construction or on the construction site shall be marked and removed from the site at the expense of the contractor. In the event the rejected material has not been removed from the site in a timely manner, the permit will be revoked
- 4.7.2.9.** Contractor's Responsibility: It shall be the responsibility of the Contractor to read and fully comply with all the provisions of these specifications and all laws and regulations that apply to local and state agencies. The contractor may, if he elects, require certification from the concrete or asphalt plant instead of conducting the testing described herein. A two year bond will be required on all work accepted on this basis.
- 4.7.2.10.** Safety Requirements: All curb, gutter and sidewalk installation in the Town of South Fork will be subject to current OSHA and COSH safety requirements. It shall be the responsibility of the Contractor to fully comply with these regulations.

4.7.3: PROTECTION OF EXISTING FACILITIES

- 4.7.3.1.** General: The Contractor shall notify all utility companies and interested parties prior to commencement of work in order that there will not be interruptions of service during construction. The Contractor shall be liable for all damages to existing structures, public or private, and shall hold the Town harmless from any liability or expense for injuries, damage or repairs to such facilities.

- 4.7.3.2.** Responsibility for Repair: Should any utility be damaged in the construction operations, the Contractor shall immediately notify the owner of the damaged utility, and unless authorized by the owner of the utility, the Contractor shall not attempt to make repairs.

In the event that during construction it is determined that any underground utility conduit, including sewers, water mains, gas mains and drainage structures and any above ground utility facilities are required to be relocated, the Contractor shall notify the utility owner well in advance of his approach to such utility so that arrangements with the Town and/or owners of the affected utility can be completed without delay of the work.

4.7.4: MATERIALS

- 4.7.4.1.1** Selected Material: Select material shall consist of a natural or artificial mixture of hard, durable pebbles, rock fragment and soil binder, free from soft particles and excess clay and conforming to the following gradation:

Sieve size	% By Weight Passing
3/4"	100
No. 4	30 to 60
No. 8	25 to 55
No. 200	5 to 15

- (1) The slump of the delivered concrete shall not exceed the slump of the approved mix design by more than 1 ½ inches. The water cement ratio shall not exceed 0.48 lbs of water per pound of cement.

- 4.7.4.2** Concrete: Concrete shall be composed to cement, coarse and fine aggregate, water and entrained air. The Concrete shall contain a minimum of 564 lbs/ of cement per cubic yard. A maximum of five and eight-tenths (5.8) gallons of water per sack of cement. An air content in the range of 5 – 8 percent by volume and a maximum coarse aggregate size of three quarters (3/4) inch. The finished concrete shall have a minimum twenty-eight (28) day compressive strength of 3,000 psi. Any admixture except air-entraining agent must be approved by the Land Use Administrator, including accelerators and retarders.

- 4.7.4.3.** Cement: Cement used shall conform to the Standard Specification for Portland Cement, ASTM C150, Type I or II, or ASTM C175 for Air-Entraining Portland Cement, Type IA or IIA.

- 4.7.4.4.** Aggregate: Aggregate shall conform to the Standard Specification for Concrete Aggregate, ASTM C33.
- 4.7.4.5.** Wire Reinforcement: Welded steel wire fabric shall be a minimum size of 6 x 6 inch 10/10 wire and shall conform to ASTM A185.
- 4.7.4.6.** Air-Entraining Agents: Air-entraining agents shall conform to ASTM C260.
- 4.7.4.7.** Curing Compounds: Liquid membrane curing compounds shall conform to ASTM Specifications C309.
- 4.7.4.8.** Expansion Joint Material: Expansion joint material shall be non-extruding preformed joint filler and shall conform to ASTM Specifications D1751 or D1752.
- 4.7.4.9.** Water for concrete: Water used for mixing or during concrete shall be clean and free from injurious amounts of oil, acids, salt, alkali or organic substances harmful to concrete.

4.7.5: GRADING

4.7.5.1. Clearing and Grubbing:

Before any embankment is placed, clearing, tree removal and topsoil removal shall be performed as directed by the Land Use Administrator. Clearing shall include removal and disposal of obstructions and rubbish to a minimum depth of twelve (12) inches below subgrade elevation; sod will be removed to a minimum depth of six (6) inches and trees and stumps to a minimum depth of eight (8) inches below subgrade elevation.

4.7.5.2. Excavation:

Excavation shall be performed to the lines, grade and cross sections indicated on the drawings and/or staked out on the ground. Suitable material removed from the excavations shall be used as far as practicable for embankments and backfilling. Unsuitable material shall be excavated below the grade shown on the drawings or indicated by grade stakes as directed by the Land Use Administrator and replaced with select material. Excavated materials, which are considered unsuitable and any surplus of excavated material not required for embankments or backfill shall be disposed of by the Contractor at a location approved by the Land Use Administrator.

Each lift of embankment material not to exceed six (6) inches of loose depth shall be thoroughly mixed and moistened to full depth and compacted to uniform minimum density of 95% of maximum density (ASTM D1557), and optimum moisture content of plus or minus 2%.
*Embankments shall be constructed to a width two (2) feet greater than the width of the section to be constructed.

4.7.5.3. Compaction:

Embankments shall be constructed by depositing, placing and compacting materials of acceptable quality above the natural ground in accordance with lines, grades and cross sections shown on the plans and/or staked out on the ground. The subgrade under the forms shall be compacted and shaped so that the forms, when set, will be uniformly supported for its entire length at the specified elevation. The finished grade shall be maintained in a smooth and compacted condition until concrete has been placed.

*The top four (4) inches of compacted base shall be three-quarters (3/4) inch gravel.

Compact backfill to 95% of maximum density obtained at optimum moisture as determined by AASHTO T 180-57, Method A. Certification of Compaction test must be submitted to the Land Use Administrator prior to concrete placement.

4.7.6: FORMS

Forms shall be metal or wood, straight, free from warp and of such construction that there will be no interference of the inspection of grade or alignment. All forms shall extend for the entire depth of the curb and shall be braced and secured sufficiently so that no deflection from alignment or grade will occur during the placement of the concrete.

Surface Tolerance: Maximum deviation of the top surface shall not exceed one-eighth inch in ten (10) feet and inside face not more than one-quarter inch in ten (10) feet. The method of connection between sections shall be such that the joint just formed is tight and free from movement in any direction. Forms that have been previously used shall be cleaned of all mortar and dirt before being set. Spacing of stakes shall be subject to the approval of the Land Use Administrator.

4.7.7: MIXING AND PLACING CONCRETE

4.7.7.1 Job-Mixed Concrete: Job-mixed concrete shall be mixed in a drum-type mixer which shall conform to the standards of the Mixer Manufacturers Bureau of the Associated General Contractors of America. The mixer shall be capable of combining the aggregates, cement and water into a thoroughly mixed and uniform mass within the specified time and discharge the material without segregation. The entire contents of the drum shall be discharged before recharging. The volume of the mixed materials per

batch shall not exceed the manufacturer's rated capacity of the mixer. Mixers must be kept clean of hardened concrete.

- (1) The mixing of each batch shall continue for not less than one minute after all materials, except water, are in the drum. All mixing water shall be introduced before one-quarter the mixing time has elapsed. The mixer shall rotate at the rate recommended by the manufacturer but not less than fourteen (14) or more than twenty (20) revolutions per minute. When concrete is mixed at the site, cement must be Type IA or IIA. The addition of any admixture at the job is prohibited.

4.7.7.2 Ready-Mixed Concrete: Ready-mixed concrete shall be proportioned, mixed and transported in accordance with the current A.S.T.M. Specifications for Ready-Mixed Concrete (Designation C-94).

- (1) Delivery of central-mixed concrete shall not be made in nonagitating equipment without securing the prior written approval of the Inspector of the type of equipment to be used and method of operation.

4.7.7.3 Retempering of Concrete: Retempering of concrete which has partially hardened by remixing, with or without water, will not be permitted.

4.7.8: PLACING CONCRETE

4.7.8.1 General: The alignment and grade elevations of the forms shall be checked by the Contractor immediately ahead of concrete placement and necessary corrections will be made. Any forms that have been disturbed or subgrade that has become unsuitable shall be corrected and forms reset and rechecked. Any variations in grade and alignment shall be subject to approval by the Inspector prior to placing the concrete. Forms shall be oiled prior to placement of concrete.

- (1) After the Inspector has approved the forms and subgrade, the concrete shall be deposited on the subgrade to the required depth and width in successive batches and in a continuous operation. The concrete shall be placed as uniformly as possible to minimize the amount of spreading necessary. While being placed, the concrete shall be spaded and vibrated with suitable tools to prevent the formation of voids or honeycomb.
- (2) Any evidence of lack of consolidation shall be regarded as sufficient reason for requiring the removal of the section involved and its replacement with new concrete. The Contractor shall be responsible for any defects in the quality and appearance of completed work.

4.7.8.1.1 Cold Weather Concreting:

Except by specific written authorization, concrete shall not be placed unless the air temperature is thirty-five (35) degrees Fahrenheit, and ascending and placing shall cease when the descending air temperature in the shade and away from artificial heat falls below forty (40) degrees Fahrenheit.

When concreting is permitted during cold weather, the temperature of the mix shall not be less than fifty (50) degrees Fahrenheit at the time of placing. Aggregate to water shall not be heated to a temperature exceeding 150 degrees Fahrenheit. Materials containing frost or lumps of frozen material shall not be used.

Before placing concrete, ice, snow and frost shall be removed from the forms and subgrade. In no case shall concrete be placed against frozen ground or against ground containing frost.

After placing, the temperature of the concrete shall be maintained above fifty (50) degrees Fahrenheit for at least four (4) days, or the concrete temperature shall be maintained above the freezing point for at least ten days. With the use of high early strength cement, the concrete temperature shall be maintained above fifty (50) degrees Fahrenheit for two days or above freezing for five (5) days. Concrete injured by frost action shall be removed and replaced at the Contractor's expense.

4.7.8.2 Hot weather Concreting: Except by written authorization, concrete shall not be placed if the temperature of the plastic concrete cannot be maintained lower than ninety (90) degrees Fahrenheit. To facilitate the placement of concrete in hot weather, the aggregate or water may be cooled.

4.7.8.3 Finishing Concrete: After the concrete has been placed and consolidated in the forms, it shall be finished. A float shall be used to bring the surface of the concrete to its final form; excessive working of the surface will not be permitted. The final texture of all exposed surfaces shall be obtained by light brooming. After completion of brooming and before the concrete has taken its initial set, all edges in contact with the forms shall be tooled with an edger having a one-quarter (1/4) inch radius. No dusting or topping of the surface, or sprinkling with water to facilitate finishing will be permitted.

4.7.8.4 Joints:

- (1) Dummy Joints. Transverse Joints shall be located at intervals of five (5) feet in sidewalk slabs. The Joints shall be tooled to a minimum depth of one-quarter inch.
- (2) Contraction Joints. Unless otherwise approved by the Inspector combination curb and gutter and combination curb, gutter and sidewalk shall be constructed in ten (10) foot monolithic sections with construction joints averaging one-quarter inch thick between sections. The templates for the contraction joints shall be made

and set to allow three (3) inches clearance between bottom plane of the concrete and lower edge of template.

- (3) Expansion Joints. Expansion Joints shall be provided approximately every fifty (50) feet in sidewalks and at crossspans and shall extend for the full depth and width of the concrete. Expansion joint material shall also be installed between new structure slabs and existing concrete slabs, around fire hydrants, poles, etc., and also between the ends of sidewalk slabs and curbs. Expansion joint material must be set vertical and with the top edge flush with the finished surface. The joints shall be edged with a suitable edging tool.

4.7.9: CURING

Concrete shall be cured by protecting it against moisture loss, rapid temperature change and from rain, flowing water and mechanical injury for a period of not less than five days after placement. It shall be the Contractor's responsibility to protect the concrete from traffic and the elements. Concrete shall be cured by the following method:

- 4.7.9.1** Liquid Membrane Curing: Only white pigmented membrane curing compound shall be used and shall be applied immediately after the water sheen has left the finished concrete. The compound shall be applied at a rate to completely cover the surface uniformly and at a rate that will achieve the performance requirements specified in ASTM Specifications C309. The compound shall be kept agitated to prevent the pigment from settling. After the forms have been removed, the exposed edges shall be covered immediately with the compound.

4.7.10: DEFACED CONCRETE

It shall be the Contractor's responsibility to protect fresh concrete from damage as a result of vandalism or other cause; damaged concrete shall be removed and replaced by and at the expense of the Contractor.

4.7.11: BACKFILLING

When side forms are removed, the space adjoining the concrete shall be promptly backfill with suitable material, properly compacted and brought flush with the surface of the concrete and adjoining ground surface. In embankments, the backfill shall be level with the top of the concrete for at least two (2) feet and then sloped to the property line.

4.7.12: OPENING TO TRAFFIC

Walks shall not be opened to pedestrian traffic for at least twenty-four (24) hours after placement. Driveways, curb, gutter and cross pans shall not be opened to vehicular traffic for at least seven (7) days after placement. The Contractor shall maintain suitable barricaded to comply with the foregoing requirements.

4.7.13: CONNECTIONS WITH EXISTING SIDEWALKS

Where new sidewalk construction abuts existing sidewalks, the work shall be accomplished so that no abrupt change in grade between the old and new work results.

4.7.14: REPAIRS

Where repairs are made in existing sidewalks, all edges of the old sidewalk allowed to remain shall be saw cut to a minimum depth of one and one-half (1 ½) inches. No rough edges will be permitted where new construction joins old. No section less than six (6) feet in length shall be placed or left in place.

4.7.15: ACCEPTANCE BY TOWN

The Contractor shall guarantee curb, gutter, walks, driveways and crosspans for a period of one (1) year after completion against defective workmanship and materials and shall keep the same in good order and repair. The determination of the necessity, during such guarantee period, for the Contractor to repair said curb, gutter, walks, driveways or crosspans, or any portion thereof, shall rest entirely with the Land Use Administrator, whose decision upon the matter shall be final and obligatory upon the Contractor.

CHAPTER 4.8
SPECIFICATIONS FOR STREET DESIGN & CONSTRUCTION

Table of Contents

SCOPE (4.8.1)	211
GENERAL PROVISIONS (4.8.2)	211
PROTECTION OF EXISTING FACILITIES (4.8.3)	213
SUBGRADE PREPARATION (4.8.4)	214
SUB-BASE (4.8.5)	215
BASE COURSE (4.8.6)	216
ASPHALT PAVING (4.8.7)	217
ACCEPTANCE BY TOWN (4.8.8)	221

4.8.1: SCOPE

The work covered by this specification concerns the furnishing of all labor, equipment and materials and performing all operations in connection with the design and construction of streets in strict accordance with this specification and applicable drawings.

4.8.2: GENERAL PROVISIONS

4.8.2.1 General: The provisions stipulated in this section are general in nature and shall be considered as applicable to all parts of these specifications, including any supplements and revisions.

4.8.2.2 Definitions and Abbreviations: Wherever the following words, phrases or abbreviations appear in these specifications, they shall have the following meanings:

- (1) Town shall mean the Town of South Fork, Colorado.
- (2) Town Code shall mean the official adopted Town Code Regulations of South Fork, Colorado.
- (3) Engineer shall mean the Director of Public Works, Town of South Fork, Colorado, or his authorized representatives (who may be consulting engineers) acting on behalf of the Town.
- (4) Inspector shall mean an authorized representative of the Director of Public Works at the site of the work.
- (5) Utility shall mean the Water and Sanitation Utilities District of the Town of South Fork.
- (6) Wherever the words, “as directed”, “as required”, “as permitted”, or words like meaning are used, it shall be understood that the direction, requirements or permission of the Director of Public Works is intended. Similarly, the words “approved”, “acceptable”, “satisfactory” shall refer to approval by the Engineer.
- (7) Whenever references are made to standard specifications, methods of testing materials, codes, practices and requirements, it shall be understood that the latest revision of said references shall govern unless a specific revision is stated. Wherever any of the following abbreviations appear, they shall have the following meaning:

AASHTO – American Association of State Highway and
Transportation Officials

ANSI – American National Standards Institute

ASTM – American Society for Testing and Materials

APWA – American Public Works Association

CHS – Colorado Highway Specification – 1976

- (8) Wherever the words “these specifications” or words of similar connotation are used, it shall be understood that reference is made to the Town of South Fork, Street Construction and Design Standards and Specifications, including all parts, supplements and revisions pertaining thereto.

4.8.2.3 Plan Approval

- (1) General: Plans for proposed street construction shall be submitted on 24 x 36 inch sheets to the Town Director of Public Works for approval. An overall plan shall be submitted along with individual plan and profile sheets. The plans shall show lots and blocks, shall give centerline street grades, show vertical curves and the original ground profile. Grades shall be indicated for the curb and gutter for each side of the street; elevations of curb and gutter at the ends of each block shall be indicated. Cross pans shall be indicated on the street plan. The roadway width and type of curb, gutter and sidewalk shall be indicated for each street. The Director of Public Works shall return said plans with either a stamp of approval or a letter designating necessary revisions required to receive approval. Upon presentation of the plans revised as per this letter, the Town Engineer will approve the plans without undue delay.
- (2) Effective Date: Construction plans approved by the Town Director of Public Works shall be effective for a period not to exceed twenty-four (24) consecutive months from the official date of approval. After this period, the plans shall be subject to further review by the Town Engineer to bring those portions of the plan, unconstructed, into compliance with current Town Standards and Specifications.
- (3) Plan Revisions: Should circumstances warrant changes to the approved plans or specifications, the proposed revision must be submitted and approval must be obtained from the Town Engineer, copies to be given to the Contractor, Developer and the Developer’s Engineer. No work shall proceed on that portion of the project being revised until said revisions are submitted, approved and distributed. Minor deviations from the plans or specifications may be by written permission from the Town Director of Public Works or his representative on the job.

- 4.8.2.4 Authority of the Engineer:** The Engineer (who may be a consultant) shall have the authority on behalf of the Town to ascertain that all design and construction of facilities is equal to or better than the minimum requirements set forth in these specifications. The Engineer shall have the additional authority to assign an inspector to check any and all work, including all materials to be incorporated in the work, excavation, bedding, backfill and all construction methods and practice.

- 4.8.2.5** Authority of the Inspector: Inspectors are assigned to assist the Contractor in complying with these specifications. They have the authority to reject defective materials, or inferior materials, defective workmanship and to suspend work until such time as the Contractor shall correct the situation in question, subject to final decision by the Director of Public Works.
- 4.8.2.6** Notice Before Beginning Work: The Contractor shall notify the Town Director of Public Works at least twenty-four (24) hours before beginning any construction. If for any reason work should stop on a project during any stage of construction for a period of more than twenty-four (24) hours, it shall be the responsibility of the Contractor to notify the Town Director of Public Works at least twenty-four (24) hours prior to any resumption of work on the project. If the Contractor intends to work extended shifts, double shifts, or hours other than the normal workday of Town personnel, he shall notify the Town Director of Public Works at least twenty-four (24) hours prior to such extension, except in the event of an emergency.
- 4.8.2.7** Traffic Control: The Contractor shall be required to submit a traffic control plan for approval and provide adequate construction signing, flaggers, barricades, etc., to warn vehicular and pedestrian traffic of work in progress and divert traffic as may be required during the course of construction. All signing shall meet the requirements of the Manual on Uniform Traffic Control Devices (M.U.T.C.D.) and be subject to the approval of the Town Director of Public Works, portions of the streets shall be allowed to be closed to traffic for construction. However, the Contractor shall make every attempt to keep the time of closure of such streets to a minimum. It shall be the responsibility of the Contractor to notify the Fire, Police, and Ambulance Departments twenty-four (24) hours prior to the closure of any street.
- 4.8.2.8** Rejected Material: All material installed shall be free of defects of manufacture. Any defective or damaged materials found in the construction or on the construction site shall be marked and removed from the site. In the event the Contractor fails to remove rejected materials from the construction site within a reasonable length of time, the Director of Public Works may arrange for such removal at the expense of the Contractor.
- 4.8.2.9** Contractor's Responsibility: It shall be the responsibility of the Contractor to read and fully comply with all the provisions of these specifications and all laws and regulations that apply to local and state agencies. The contractor may, if he elects, require certification from the concrete or asphalt plant instead of conducting the testing described herein. A two year bond will be required on all work accepted on this basis.
- 4.8.2.10** Safety Requirements: All street construction in the Town of South Fork will be subject to current OSHA and COSH safety requirements. It shall be the responsibility of the Contractor to fully comply with these regulations.

4.8.3: PROTECTION OF EXISTING FACILITIES:

- 4.8.3.1** General: The Contractor shall notify all utility companies and interested parties prior to commencement of work in order to insure that there will not be interruptions of services during construction. The Contractor shall be liable for all damages to existing structures, public or private, and he shall save the Town harmless from any liability or expense for injuries, damage, or repairs to such facilities.
- 4.8.3.2** Responsibility for Repair: Should any utility be damaged in the construction operations, the Contractor shall immediately notify the owner of such utility, and unless authorized by the owner of the utility, the Contractor shall not attempt to make repairs.

In the event that during construction it is determined that any underground utility conduit, including sewers, water mains, gas mains and drainage structures, and any above ground utility facilities are required to be relocated, the Contractor shall notify the utility owner well in advance of his approach to such utility so that arrangements with the Town and/or owners of the affected utility can be completed without delay of the work.

4.8.4: SUBGRADE PREPARATION

- 4.8.4.1. Clearing** and Grubbing: Before any embankment is placed, clearing, tree removal, and topsoil removal shall be preformed as directed by the Town Engineer. Clearing shall include removal and disposal of obstructions and rubbish to a minimum depth of twelve (12) inches below subgrade elevation; sod will be removed to a minimum depth of six (6) inches, and tree and stumps to a minimum depth of eight (8) inches below subgrade elevation.
- 4.8.4.2** Excavation: Excavation shall be performed to the lines, grades and cross sections indicated on the drawings and/or staked out on the ground. Suitable material removed from the excavations shall be used as far as practicable for embankments and backfilling. Unsuitable material shall be excavated below the grade shown on the drawings or indicated by grade stakes as directed by the Town Engineer and replaced with select material. Excavated materials which are considered unsuitable and any surplus of excavated material not required for embankments or backfill shall be disposed of by the Contractor.
- 4.8.4.3** Embankment: Embankments shall be constructed by depositing, placing and compacting materials of acceptable quality above the natural ground in accordance with lines, grades and cross sections shown on the plans and/or staked out on the ground. Each lift of embankment material, not to exceed six (6) inches of loose depth, shall be thoroughly mixed and moistened to full depth and compacted to uniform minimum density of 95% of maximum density (ASTMD 1557), and optimum moisture content of plus or minus two percent.

*Embankments shall be constructed to a width two (2) feet greater than the width of the section to be constructed.

- 4.8.4.4** Select Borrow Material: In the event sufficient material is not available for constructing subgrade embankments or filling excavations from which unsuitable material be removed, the Contractor shall procure select subgrade material for these purposes. Select subgrade material shall be a well graded mixture of sound mineral aggregate particles containing sufficient, proper quality bonding material to secure a firm, stable foundation when placed and compacted on the roadway.

When tested with laboratory sieves, the material shall meet the following gradation requirements:

Passing a 4 inch sieve (Where the subgrade layer is less than 6 inches, the maximum size shall not exceed 2/3 the depth of the layer)	100%
Passing a No. 8 sieve, Not more than	80%
Passing a No. 200 sieve	5% to 15%

The Contractor will be required to provide a screen or other means to eliminate fines passing the No. 10 sieve if such fines prove to be objectionable at any time during the construction. If tests reveal that material being procured is not of suitable quality for which it is intended, the Contractor shall provide other material as approved by the Engineer.

*The top four (4) inches of compacted base shall be three-quarters inch gravel.

4.8.5: SUB-BASE

- 4.8.5.1** Description: This item shall consist of a foundation course composed of granular material, constructed on the prepared subgrade in accordance with these specifications and to the grade indicated on the plans.
- 4.8.5.2** Gradation: This material need not be crushed but can be of the pit run variety providing it is graded within the following limits:

Standard Size of Sieve	Percentage by Weight Passing
3 inch	100%
No. 200	5 – 15%
Liquid Limit	35 Max.
Plasticity Index	6 Max.
Resistance Value	75 Min.

The material supplied shall be a well graded mixture, consisting of sound aggregate particles and sufficient filler or other proper quality binding material, which when placed and compacted will result in a firm, dense, unyielding foundation.

- 4.8.5.3** Placement and Compaction: Each layer of the sub-base material shall be placed in layers not to exceed six (6) inches in loose depth. Each layer shall be wetted or aerated, as necessary, and compacted to 95% modified proctor density. No sub-base material shall be placed upon a soft, spongy or frozen subgrade or other subgrade, the stability of which is, in the opinion of the Engineer, unsuitable for the placement thereof.

4.8.6: BASE COURSE

- 4.8.6.1** Description: This item shall consist of a foundation course composed of crushed gravel or crushed stone and filler, constructed on the prepared sub-base in accordance with these specifications and to the grade indicated on the plans.
- 4.8.6.2** Materials: Crushed gravel or crushed stone base course material shall consist of hard, durable particles or fragments of stone or gravel crushed to required size and a filler of sand or other finely divided mineral matter. The portion of the material retained on a No. 4 sieve shall be known as coarse aggregate, and that portion passing a No. 4 sieve shall be known as filler. When produced from gravel, not less than 60% by weight of the coarse aggregate particles shall be particles having at least one fractured face, and if necessary to meet this requirement or to eliminate an excess of filler, the gravel shall be screened. The composite base course material shall be free from vegetable matter and lumps or balls of clay and shall meet the following grading requirements:

Standard Size of Sieve	Percentage by Weight Passing
3/4	100%
No. 4	30 – 65%
No. 8	25 – 55%
No. 200	3 – 15%
Liquid Limit	*25 Max.
Plasticity Index	6 Max.
Resistance Value	Min. R = 78

*Max. if non-plastic

Bearing value and/or stabilimeter tests may be required to properly evaluate the quality of the material.

Coarse aggregate shall show a loss of not more than 50% when tested in accordance with AASHTO standard method of test for abrasion of coarse aggregate by use of the Los Angeles machine, designation: T-96 (ASTM C131).

- 4.8.6.3** Placing and Spread: The base course material shall be deposited and spread in a uniform layer and without segregation of size to such loose depth that when compacted, the layer shall have a thickness not to exceed four (4) inches. The material shall be compacted to a minimum density of 95% of modified proctor density. No base course material shall be placed upon a soft, spongy or frozen sub-base or other sub-base, the stability of which is, in the opinion of the Engineer, unsuitable for the placement thereof.

4.8.7: ASPHALT PAVING

- 4.8.7.1** Prime Coat: The prime coat shall be a medium curing asphalt conforming to ASTM Specification D598 or D2027. The grade of asphalt and the rate of application shall be approved by the Engineer and shall be determined by considering the condition of the base course, temperature, and other conditions affecting application. When, in the opinion of the Engineer, the prepared base is thoroughly dry and satisfactory to receive the prime coat, the surface shall be cleaned by sweeping or other approved methods. The cleaning shall be continued until the embedded aggregates are uncovered but not dislodged and dust, mud and foreign matter removed. The equipment used to apply the prime coat shall be of the proper type and condition of maintenance to distribute the materials evenly and smoothly in

the quantity specified. The material shall be heated to the proper temperature when applied, and shall only be applied when the outside temperature is above 50 degrees Fahrenheit. The prime coat shall be permitted to cure until thorough and proper penetration has been obtained, but at no time shall the curing period be less than twenty-four (24) hours. Pools of bituminous material occurring in depressions shall be removed from the surface before applying the asphalt surfacing. At no time during the period of curing shall traffic be allowed upon the primed surface. Cut-back AC-10 may be used in lieu of MC-70 when approved by the Engineer.

4.8.7.2 Tack Coat: Whenever new asphaltic pavement is placed on existing pavement, a bituminous tack coat shall be applied to the existing pavement prior to placing the new pavement. The tack coat material shall be an asphalt of a grade approved by the Engineer. The surface to receive the tack coat shall be dry and cleaned by an approved method until all dust, debris and foreign matter are removed. The tack coat material shall be applied at a rate and temperature approved by the Engineer which will provide a very thin coating uniformly distributed over the entire area to be covered. The tack coat shall not be applied when the outside temperature is below 50 degrees Fahrenheit.

4.8.7.3 Plant Mixed Asphalt Surfacing: Shall meet the Town of South Fork specifications (See Street Cut Manual). The asphaltic surface shall be composed of mineral aggregate and bituminous material, mixed in a central mixing plant, and shall be placed on the prepared base in conformity with the cross section and grades shown on the plans.

(1) Aggregates: Mineral aggregate shall meet the following gradation requirements:

Sieve Size	Percent Passing
3/4	100%
No. 4	38 – 72%
No. 8	25 – 58%
No. 200	3 – 12%

When tested for abrasion, coarse aggregate shall show a loss of not more than 50% when tested in accordance with AASHTO standard method test for abrasion of coarse aggregate by use of the Los Angeles machine, designation: T-96 (ASTM C131).

At least 60% of all mineral aggregate not passing the No. 4 sieve shall have at least one fractured face. The mineral aggregate retained on the No. 8 sieve shall be clean, free from disintegrated stone, vegetable matter or other deleterious substances. Material passing the No. 200 sieve shall be less than one-half the material passing the No. 8 sieve. The material passing the No. 4 sieve shall have a liquid limit of not more than twenty-five (25) and a plasticity index shall be made in accordance with AASHTO standard methods T89 and T90. If sufficient fine material of satisfactory quality is not naturally present in the mineral aggregate, it shall be added. Material consisting of finely powdered limestone, Portland cement, hydrated lime or other approved materials may be used for the filler.

- (2) Paving Asphalt: The paving asphalt shall be a homogenous product derived from asphaltic crudes, and shall be free from water and any mineral matter other than naturally contained in the asphalt. The paving asphalt shall meet the requirements for AC-10 and shall contain an anti-strip additive of a percentage as determined by a job mix formula. Sampling and testing of paving asphalt shall be in accordance with applicable AASHTO and ASTM Tests.
- (3) Determination of Percentage of Bituminous Material: The percentage of bituminous material, by weight, to be added to the aggregate will usually be between five and three-quarters and 7% of the weight of the dry aggregate. The exact percentage to be used shall be fixed by the Contractor on the basis of preliminary laboratory tests and field sieve analysis of the aggregate furnished. The Engineer reserves the right to review these tests and to order any changes in the percentage of bituminous material deemed necessary during the progress of the work.
- (4) Job Mixing Formula: No work shall be started on the project nor any mixture accepted therefore until the Contractor has submitted for the approval of the Engineer a satisfactory job mix formula based upon tests of the materials to be furnished. The formula shall be submitted in writing by the Contractor to the Engineer, indicating the definite percentage for each sieve fraction of aggregate and for asphalt; also the intended temperature of completed mixture at the time it is discharged from the mixer must be between 235 degrees Fahrenheit and 300 degrees Fahrenheit. The material furnished shall conform to the approved job mix formula within the tolerances specified herein.
- (5) Job Mix Tolerances:

Job Mix Tolerance	Plus or Minus
Aggregate Passing No. 4	8%
Aggregate Passing No. 8	6%
Aggregate Passing No. 200 Sieve	3%
Mixture Temperature upon Delivery at job site	0.5%

- (6) Mixing Plant: The paving plant shall be of standard design and contain all the necessary components to ensure proper mixing of the materials. The plant shall be subject to approval by the Engineer. The Engineer shall have access at any reasonable time to all parts of the plant for the verification of weights and portions, character of materials and determination of temperatures used in the preparation of the mixture. All materials shall be mixed in accordance with standard procedures.
- (7) Transporting Asphalt: When the asphalt is subject to cooling during long haul, it shall be covered with a tarp in the truck to maintain proper temperature for laying. The asphalt shall not be hotter than 325 degrees Fahrenheit at the plant.
- (8) Placement: Prior to placement of the surface course, the base shall be cleaned of all dirt or other foreign matter. When the new pavement abuts the old paving, the Contractor shall, at his own expense, cut back the old pavement as directed by the Engineer and paint the edge of the old pavement with a coat of hot asphalt cement. The asphaltic pavement shall be placed only when the base is dry and weather conditions are suitable. The asphaltic pavement shall have a density range between 92% and 96% of theoretical maximum density. While the surface is being compacted and finished, the Contractor shall carefully trim the outside edges of the pavement to the proper alignment. No surfacing shall be placed unless the atmospheric temperature in the shade is at least 40 degrees Fahrenheit and rising, or 50 degrees Fahrenheit if falling, and other weather conditions are suitable. In no case shall pavement be laid on foundations in which frost is present.
- (9) Tests: Test for conformity with the specified crown and grade shall be made by the Contractor immediately after initial compression, and any variation shall be corrected by removing or adding materials and continuing the roll.

The finished surface shall not vary more than one-quarter inch for the wearing coarse when tested with a sixteen (16) foot straight edge applied parallel with or at right angles to the center line.

After the completion of final rolling, the smoothness of the course shall again be tested, and the humps or depressions exceeding the specified tolerances or that retain water on the surface shall immediately corrected by removing the defective work and replacing with new material or by adding additional material as directed by the Engineer and at the expense of the Contractor.

For the determination of composition, compaction and density of the pavement, the Contractor shall remove suitable size samples of the completed pavement if directed by the Engineer. Samples for each day or fraction thereof when mixtures are placed may be taken by the Engineer. The Contractor shall replace the pavement where the samples are removed, and these replacements shall be installed by the Contractor free of charge. After the samples have been removed from the completed pavement, they will be tested by the Engineer for density and composition. If the deficiency in composition or compaction exceeds the limits of toleration from the specified, satisfactory corrections shall be made.

4.8.8: ACCEPTANCE BY TOWN

The Contractor shall guarantee all portions of street construction for a period of one year after completion against defective workmanship and materials and shall keep same in good order and repair. The determination of the necessity, during such guarantee period, for the Contractor thereof, shall rest entirely with the Town Director of Public Works, whose decision upon the matter shall be final and obligatory upon the Contractor to repair said street, or any portion.

CHAPTER 4.9
WATER MAINS & SANITARY SEWERS STANDARDS AND SPECIFICATIONS

Table of Contents

SCOPE (4.9.1)	223
GENERAL PROVISIONS (4.9.2)	223
PROTECTION OF EXISTING FACILITIES (4.9.3)	230
TRENCH EXCAVATION (4.9.4)	231
BEDDING MATERIALS (4.9.5)	235
PLACEMENT AND COMPACTION OF BACKFILL (4.9.6)	237
SURFACE RESTORATION (4.9.7)	240
WATER DISTRIBUTION SYSTEM MATERIALS AND INSTALLATION (4.5.8)	240
SEWERAGE COLLECTION SYSTEM DESIGN AND CONSTRUCTION (4.9.9)	244
SEWER TAPS AND SERVICES (4.9.10)	254
ACCEPTANCE OF NEW PIPELINES (4.9.11)	255
MODIFICATION OF THIS SPECIFICATION (4.9.12)	257

4.9.1: SCOPE

Water Mains and Sanitary Sewers in and for the Town of South Fork shall be designed by a Registered Professional Engineer licensed to practice in the State of Colorado.

4.9.2: GENERAL PROVISIONS

4.9.2.1.1 ENGINEERED DESIGN

All water and sewer systems extensions within the Town of South Fork shall be designed by a Registered Professional Engineer licensed to practice in the State of Colorado.

(1) PLAN SUBMISSION

All water and sewer system designs must be approved by the Town Public Works Director and the South Fork Water and Sanitation District (SFW&SD) on 24" x 36" sheets for review prior to pre-construction meeting.

(2) NOTICE TO PROCEED

All water and sewer system designs must be approved by the Town Public Works Director prior to commencement of construction. The Town Public Works Director will issue a Notice To Proceed when, in his opinion, the proposed plans conform to the Town specifications and otherwise meet the needs of the Town.

(3) AS-BUILT DRAWINGS

When construction of new water and sewer systems has been completed to the satisfaction of the Town Public Works Director, the Project Engineer shall submit As-Built Drawings of the project to the Town.

(4) CERTIFICATE OF COMPLETION

Upon approval and acceptance of the As-Built Drawings by the Town Public Works Director, a Certificate of Completion for the project will be issued. The system may then be placed in service.

(5) NOTICE OF ACCEPTANCE

Upon request by the Contractor after completion of the one year warranty period, and after correction of any deficiencies, the Town Public Works Director will issue a Notice of acceptance, relieving the Contractor of any further responsibility for the work.

4.9.2.2 DEFINITIONS AND ABBREVIATIONS

Whenever the following words, phrases or abbreviations appear in these specifications, they shall have the following meanings:

Town shall mean the Town of South Fork

Town Code shall mean all Building Codes, Zoning Regulations, Street & Utility Specifications, and Subdivision Regulations adopted by the Town of South Fork.

Developer shall mean any person or firm undertaking to improve and/or subdivide property, providing street and utilities intended for inclusion in, and dedication to, the Town of South Fork.

Contractor shall mean the person or firm actually building streets and utilities, either directly for the Town, or for a private Developer.

Project Engineer shall mean the professionally licensed person or firm designing streets and utilities for inclusion in, and dedication to, the Town or the District. The Project Engineer will typically be appointed from the South Fork Water and Sanitation District's engineering personnel.

Engineer shall mean the Town's Engineer for the Town of South Fork, who may or may not be a town employee, but is contracted by the town to act in the Town's best interest when reviewing, inspecting, and overseeing construction projects, or his authorized representative.

Public Works Director shall mean the Public Works Director, Town of South Fork, Colorado.

Inspector shall mean an authorized representative of the Town Public Works Director acting on the Engineer's behalf.

Specifications shall mean these Town Street and Utility Specifications, all national standard specifications to which the Town Public Works Director may refer, and such additional specifications that a private engineer may draft as part of plans prepared for any specific project.

"Approved," as used in these specifications, shall mean that the **ENGINEER HAS NOT TAKEN EXCEPTION to plans, work, or methods in question.**

"Approval" by the Town's Engineer does not in any way relieve any Developer, Contractor, or Project Engineer of full responsibility for designing and executing all work in full accordance with the town Specifications.

Utility Department shall mean the South Fork Water and Sanitation District.

Wherever references are made to standard specifications, methods of testing materials, codes, practices and requirements, it shall be understood that the latest revision of said references shall govern unless a specific revision is stated. Wherever any of the following abbreviations appear, they shall have the following meaning:

AASHTO	American Association of State Highway & Transportation Officials
ANSI	American National Standards Institute
ASTM	American Society for Testing and Materials
AWWA	American Water Works Association
APWA	American Public Works Association
CDOT	Colorado Department of Transportation
NSF	National Sanitary Foundation
OSHA	Occupational Safety & Health Administration
SFW&SD	South Fork Water and Sanitation District

4.9.2.3 PLAN REVIEW BY THE TOWN OF SOUTH FORK

(1) PLAN SUBMISSION

Three (3) copies of plans for proposed water main and/or sanitary sewer main construction shall be submitted on 24" x 36" inch sheets to the Town Public Works Director and the South Fork Water and Sanitation District for review. An overall plan shall be submitted along with individual plan and profile sheets. Specific features shall be located in plan view by street station numbers and perpendicular offset distance from centerlines. The Plans shall include:

- (a) Location of the work on a map or boundary survey;
- (b) Street rights-of-way, easements, and lots;
- (c) Water & sewer main locations;
- (d) Service connections to main lines;
- (e) Service lateral ends, located relative to property corners and/or street stationing;
- (f) Type, size, & located relative to property corners and/or street stationing;
- (g) Street & sewer profiles, grades, & dimensions;
- (h) Water value, ell, and hydrant locations;
- (i) Sewer manhole locations and rim elevations;
- (j) Sewer manhole inlet & outlet invert elevations;
- (k) Pipe size, type, and lengths;

- (l) Thrust block sizes & locations;
- (m) Sidewalk locations & dimensions

- (2) An Engineer shall review the plans submitted to the Town, and shall designate any necessary revisions required prior to the start of construction. The Town's Engineer will issue a Notice To Proceed, and will sign and return one (1) copy of the plans to the Developer bearing the statement or stamp, "**ACCEPTED**", when in his opinion, the Town's design requirements have been met. When significant or extensive revisions are required, the Project Engineer shall submit 3 corrected copies of the design for the Town's Engineer to sign and accept. No acceptance will be forthcoming from the Town unless the South Fork Water and Sanitation District has also accepted the design.

- (3) CONSTRUCTION PLANS

Copies of the drawings bearing the Town's Engineer's stamp and signature shall be used in the field for actual construction.

- (4) LIMITATIONS OF PLAN REVIEW

Review of Plans by the Town's Engineer shall not constitute endorsements of the project by the Town. Review by the Town Public Works Director is solely for the Town's convenience and benefit, and is not an affirmative representation to any party that the Plan are complete, correct, or free from errors. All responsibility for the execution of the project, in full compliance with the Town Specifications, remain with the Developer and/or the Contractor, including responsibility for correcting any errors or omissions in the plans that may later be discovered.

- (5) EFFECTIVE DATE

Plan review by the Town Public Works Director shall be effective for a period not to exceed twenty-four (24) consecutive months from the date of issuance of the Notice to proceed by the Town. After this period, the plans for any portion of the work not yet constructed shall be resubmitted to the Town Public Works Director for review to ensure that all remaining portions of the plans comply with current Town Standards and Specifications.

- (6) PLAN REVISIONS

Should circumstances warrant changes to previously reviewed plans or specifications, the proposed revision must be submitted to the town for review of the changes by the Town Public Works Director. Revised copies of the design shall be provided by the Developer or Project Engineer to the Town and to the Contractor. No work shall proceed on the portion of the project being revised until the Town Public Works Director has issued a Notice to

Proceed thereon. Minor deviations from the plans or specifications may be made by obtaining written permission from the Town Public Works Director or his representative on the job.

4.9.2.4 AUTHORITY OF THE ENGINEER

The Town of South Fork assigns responsibility for managing the Town's engineering functions to the Town Public Works Director, and delegates appropriate authority to an Engineer to perform those duties on behalf of the Town.

The Engineer shall have the authority on behalf of the Town to ascertain that the design and construction of all facilities being built for the Town, or intended for dedication to the Town, is equal to or better than the minimum requirements set forth in these specifications.

Failure by a Developer and/or Contractor to honor a stop order shall result in automatic rejection by the Town of all work performed subsequent to the time at which the stop work order was issued.

The Town's Engineer shall have the authority to assign Inspectors to check any and all work, including all materials to be incorporated in the work, excavation, bedding backfill and all construction methods and practices.

4.9.2.5 AUTHORITY OF THE INSPECTOR

Inspectors are assigned to assist the Town Public Works Director in ensuring that work intended for dedication to the Town is accomplished in accordance with the plans and specifications.

Inspectors shall serve as representatives of the Town's Engineer, and shall have such authority and responsibility as the Engineer shall delegate to them, and shall make such decisions, and take such actions, as are consistent with Engineer's instructions to the Inspectors. When inspectors are required to work overtime to accommodate the Contractor's work schedule, the Contractor shall reimburse the Town for the added expense.

(1) RIGHT OF APPEAL

Any party who believes an Inspector has made an incorrect decision may appeal that decision to the Town Public Works Director, and if still unsatisfied, to the Town Manager, and finally to the Town Board of Trustees, in that order. Decisions of the Town Board of Trustees shall be final, and binding. Pending resolution of such disagreement, all work in question shall be suspended.

4.9.2.6 CONTRACTOR SHALL PROVIDE NOTICE TO THE TOWN PUBLIC WORKS DIRECTOR BEFORE BEGINNING WORK

The Contractor shall notify the Town Public Works Director at least twenty-four (24) hours before beginning any water main or sewer main construction. If for any reason work should stop on a project during any stage of construction for a period of more than twenty-four (24) hours, it shall be the responsibility of the Contractor to notify the Town Public Works Director at least twenty-four (24) hours prior to any resumption of work on the project. If the Contractor intends to work extended shifts, double shifts, or hours other than the normal workday of Town personnel, he shall notify the Town Public Works Director at least twenty-four (24) hours prior to such extensions, except in the event of an emergency. Failure to provide notification may provide sufficient cause for the Town Public Works Director to order suspension of work on the Project.

(1) OPPORTUNITY TO OBSERVE THE WORK

Developers and Contractors shall provide the Town Public Works Director with sufficient notice and opportunity to observe all work prior to backfilling or covering the work. Should any work be covered, buried, or closed up before the Town Public Works Director or his representative has been accorded the opportunity to observe the work, the Town Public Works Director shall have full authority to require the work be uncovered for observation and inspection, without expense to the Town. The Town will not accept any work which has been buried without providing the Town's Engineer reasonable opportunity to observe the work, nor will the town release any payment therefore.

If the Town's Engineer does not observe the work in a timely fashion after being given sufficient notice (nominally 24 hours in advance unless special circumstances exist or the Engineer requests more time), the Contractor may proceed with the work as though the Engineer has observed it.

(2) ENGINEER'S RIGHT OF ENTRY

As a condition precedent for the acceptance of utility systems intended for inclusion in the Town's system. The Town's Engineer and his representative shall have unabridged right of entry for the purposes of observing the work to all property upon which such work is being performed.

4.9.2.7 TRAFFIC CONTROL

The Contractor shall be required to provide adequate construction signing, flagmen, barricades, warning lights, etc., to warn vehicular and pedestrian traffic of work in progress and divert traffic as may be required during the course of construction. All signing shall meet the requirements of the Manual on Uniform Traffic Control Devices (M.U.T.C.D.) and be subject to the approval of the Town Public Works Director, and shall conform in general to the approval of the CDOT Manual of Uniform Traffic

Control. When specifically authorized by the Town Public Works Director, portions of the streets may be closed to traffic for construction. The Contractor shall make every effort to keep the time of closure of such streets to a minimum. **It shall be the responsibility of the Contractor to notify the Fire, Police, and Ambulance Departments, the ambulance service, and the School District's Transportation Service** twenty-four (24) hours prior to the closure of any street.

4.9.2.8 REJECTED MATERIALS

All material installed shall be free of defects of manufacture. Any defective or damages materials found in the construction or on the construction site shall be marked and removed from the site. In the event the Contractor fails to remove rejected materials from the construction site within a reasonable length of time, the Engineer may arrange for such removal at the expense of the Contractor.

4.9.2.9 CONTRACTOR'S RESPONSIBILITY

It shall be the responsibility of the Contractor to read and fully comply with all the provisions of these specifications and all laws, regulations, and safety standards that apply to the work.

The contractor may, if he elects, require certification from the concrete or asphalt plant instead of conducting the testing described herein. A two year bond will be required on all work accepted on this basis.

4.9.2.10 SAFETY REQUIREMENTS

All water main and sanitary sewer main installations in the Town of South Fork will be constructed in accordance with current OSHA safety regulations and the applicable SFW&SD specifications. It shall be the responsibility of the Contractor to fully comply with all safety regulations, including specifically the responsibility to provide a competent person on site at all time to ensure the work is executed in a safe manner.

Comments by the Engineer or his representatives about job site safety issues shall not in any way relieve the Contractor of full authority, control and responsibility for job safety.

4.9.2.11 AS-BUILT DRAWINGS

Prior to issuance of the Certificate by the Town Public Works Director for new water and sewer system extensions, the Developer or Contractor shall provide the Town with two (2) sets of **"AS-BUILT" DRAWINGS ON 24" X 36" sheets, and one electronic copy** of those drawings. The electronic copy shall be in format compatible with the Town's Autocad system. These drawings shall have been prepared and signed by the Project Engineer, and shall show in sufficient detail all actual "as constructed" station numbers, elevations, dimensions, offsets, and details needed to locate, maintain, and connect to the facilities.

Visible features such as hydrants shall be located by street station number. Manholes, valve boxed, buried tees, wyes, ells, and services

shall be located by station number and offset from centerline. Survey coordinates may not be substituted for station numbers.

Satisfactory “**AS-BUILT**” drawings must be delivered to the Town Public Works Director before the Town will (1) accept of the work; (2) issue a Certificate of Completion; (3) release final Payment for work performed for the Town; (4) issue a Certificate of Occupancy; or (5) issue a lien release for property served by the work . Failure to submit **AS-BUILT** drawings acceptable to the Town Public Works Director may result in termination of Town water & sewer service.

4.9.2.12 SOUTH FORK WATER AND SANITATION DISTRICT TO PROVIDE UTILITY SERVICES

Water and/or sewer services by the South Fork Water and Sanitation District to any project or development will be provided only after the Town Public Works Director has issued a Certificate of Completion. The Certificate shall be issued by the Town’s Engineer only after he has determined to his satisfaction and to the satisfaction of the South Fork Water and Sanitation District that the water and sewer facilities have been constructed in accordance with the plans and specifications, and that acceptable As-Built drawings have been received by the Town.

4.9.2.13 PROJECT ENGINEER’S CERTIFICATION

The Town Public Works Director may, at his sole discretion, rely upon certification from a Registered Professional Engineer or the Project Engineer supplied by the SFW&SD that the work has been completed in accordance with the plans and specifications.

4.9.3: PROTECTION OF EXISTING FACILITIES

4.9.3.1 GENERAL

The Contractor shall request underground utility “locations” on the site from all utility companies, and shall make every effort to protect existing facilities. The Contractor shall notify all interested parties prior to commencement of work, and shall make every effort to minimize interruptions of service during construction. The Contractor shall be fully responsible for any damage to existing utilities or structure, public or private, resulting from his operations, and he shall hold the Town harmless from any liability or expense for injuries, damage, or repairs to such facilities.

4.9.3.2 RESPONSIBILITY FOR REPAIR

Should any utility be damaged in the construction operations, the Contractor shall immediately notify the owner of such utility, and unless authorized by the owner of the utility, the Contractor shall not attempt to make repairs.

If, during construction, it is determined that any utility (including sewers, water mains, gas mains, power, phone, cable TV, drainage structures, or any above ground utility facilities) must be relocated, the Contractor shall notify the utility owner well in advance so that arrangements with the Town and/or owners of the affected utility can be completed without delay of the work.

4.9.4: TRENCH EXCAVATION

4.9.4.1 GENERAL

The Contractor shall determine the methods, procedures, and equipment that shall be used to construct the project in a good, workman like manner, in compliance with these Specifications, and in full compliance with all local, state, and Federal regulations to include SFW&SD specifications. In the event that the Contractor fails to meet these Specifications, or if his actions adversely affect public safety and convenience, or the Town's best interest, the Town's Engineer may require the Contractor to change methods, procedures, or equipment to ensure public safety and convenience, or to protect the Town's interest.

4.9.4.2 TOPSOIL & SPOILS

Where necessary and appropriate, the Town's Engineer may require that topsoil be removed and stored separately for later use in restoring the disturbed areas. All excavated materials not suitable for backfill shall be removed from the site at the contractor's expense.

4.9.4.3 TRENCHING

(1) SIDEWALL SLOPING

In the event that sidewalls of the trench are sloped to meet safety requirements, the sloping shall terminate at a depth not less than one (1) foot above the top of the barrel, and from that point down the trench width shall be limited to pipe diameter plus 24".

(2) EXCAVATING THE TRENCH BOTTOM

The trench shall be excavated on true line and grade, and the bottom shall be shaped to provide uniform bearing and support for the entire length of pipe. Bell holes shall be provided at each joint so that the pipe will be uniformly supported on the barrel portion of the pipe.

4.9.4.4 OVEREXCAVATION

(1) GENERAL

When the excavation is in firm earth, care shall be taken to avoid excavation below the established grade plus the specified overdig to accommodate any required granular bedding. All over-excavation below the design depth, which is made without the written authorization of the Engineer, shall be refilled and compacted with approved granular fill material, by and at the expense of the Contractor.

(2) GROUNDWATER, UNSUITABLE TRENCH BOTTOM

In case soft or otherwise unsuitable foundation material is encountered in the trench bottom, such soil shall be removed to a depth as directed by the Town's Engineer. It shall be replaced with the Engineer's approved backfill material and compacted to provide a suitable foundation for the pipe. The cost of such excavation and backfill shall be borne by the Contractor unless otherwise specified in the Contract.

If groundwater enters the trench as it is being excavated, only enough trench shall be opened so as to permit the laying of one (1) joint of pipe.

(3) OVEREXCAVATING FOR ROCK

When rock or hard clay is encountered in the trench bottom, the trench shall be excavated six (6) inches deeper than the design elevation. The over excavated zone shall be backfilled with suitable material approved by the Town Public Works Director, and compacted according to these specifications. The cost of such excavation and backfill shall be borne by the Contractor unless otherwise specified in the Contract.

(4) RESPONSIBILITY FOR COSTS

It shall be the responsibility of the Contractor to fully evaluate the work and all surface and subsurface conditions prior to submitting a bid. The Contractor shall make such investigations, and shall perform such tests as he deems necessary to fully evaluate on site conditions prior to submitting a bid and entering into a Contract to perform the work. All costs associated with subsurface conditions which reasonably could or should have been ascertained by an experienced contractor, including, but not limited to, groundwater.

4.9.4.5 SEWER PIPELINE BEDDING

All sewer mains shall be bedded upon, and covered with, approved granular bedding material (3/4 washed rock or an approved alternative). The trench shall be excavated to a depth below the established grade equal to one-quarter (1/4) of the outside pipe diameter but no less than six (6) inches. Bedding material shall be placed under, around, and over

the pipe for a distance of 6" in all directions around the pipe. The bedding material shall be compacted using vibratory equipment to 90% of maximum dry density as determined by ASTM D1557, Modified Proctor.

4.9.4.6 WATER MAIN BEDDING

All water mains shall be bedded in material with low permeability in order to isolate any water leaks for ready identification and repair. Typical bedding material includes such materials such as native clays or CDOT Class 6 road base gravel. All bedding materials shall be subject to approval by the Engineer. All bedding shall be compacted to 90% of maximum dry density as determined by ASTM1557, Modified Proctor.

4.9.4.7 PLACEMENT & COMPACTION OF BEDDING FOR PIPELINES

All pipe shall be thoroughly supported by bedding prior to placement to backfill. Bedding material shall be carefully worked under the haunches of the pipe and compacted in conformance with **Section 4-9-5 (C)** prior to placement or primary backfill.

4.9.4.8 PIPE BEDDING UNDER EXISTING STREETS

Pipe bedding for new pipelines under existing streets in trenches which are to be backfilled with flowfill shall be placed and compacted around and above the pipe to a maximum of twelve inches (12") above the pipe.

4.9.4.9 OVERSIZE ROCK PROHIBITED IN BEDDING

No rocks or fractured shale larger than 2" in greatest dimension will be permitted within 12" of the pipe. When native materials are used to be water mains, the Contractor shall handle, process, and place such bedding materials using methods satisfactory to the Engineer to comply with this paragraph. If the Contractor's methods for protecting the pipeline from oversize rock in native material are unsatisfactory to the Engineer, the Engineer may, at his discretion, require the Contractor to import and use approved select bedding materials at the Contractor's expense.

4.9.4.10 GRANULAR BEDDING MATERIAL

Granular bedding material for sewer mains shall be clean crushed rock meeting the following gradation specification, or other material approved by the Engineer:

<u>Sieve Size</u>	<u>Total Passing Sieve Weight (%)</u>
1"	100
3/4"	90 to 100
1/2"	10 to 50
3/8"	20 to 55
No. 4	0 to 10
No. 8	0 to 5

Unstable trenches, or rock, shall be the responsibility of the Contractor unless otherwise specified in the Contract.

(1) PAYMENT FOR EXTRA WORK

In the event that actual conditions encountered in the field differ materially from representations made in the plans, the specifications, or the geotechnical report for the project, the Town's Engineer may change the Plans to address such conditions.

If the Contractor incurs additional expense due to changes made to the Plans by the Town's Engineer to address such changed conditions, the Contractor may submit a request for additional payment in accordance with the Change Order provisions of the Contract.

All costs of any work undertaken prior to issuance of a written Change Order by the Owner of his authorized representative shall be borne by the Contractor.

For public work administered by the Town's Engineer on behalf of the Town, the Town shall bear the cost of extra work for which a written Change Order has been issued. For private work by a Developer constructing facilities intended for dedication to the Town, the cost of extra work shall be borne by the Developer and/or the Contractor, in accordance with the terms of the Contract between those parties.

4.9.4.11 PAYMENT CUTS

Where excavations required under paved areas, the pavement cut shall be a smooth, straight, vertical cut edge six (6) inches minimum beyond the trench wall, in accordance with Town's standards details. The method and equipment chosen by the Contractor to cut the pavement shall be subject to approval by the Town's Engineer. The Contractor shall replace the pavement with equal or better construction in accordance with standard Town Details.

4.9.4.12 REMOVAL OF WATER

The Contractor shall provide and maintain at all times ample means and devices to promptly and properly dispose of all water entering the trench excavation. All Contractor dewatering operations shall be conducted in accordance with a construction water discharge plan and permit in compliance with Colorado water discharge regulations. Water shall be disposed of in a suitable manner without damage to adjacent property or without being a menace to public health and convenience. Trench water shall not be allowed to enter any pipelines either by gravity or by pumping. All open ends of the pipe shall be tightly plugged at the end of each day's work to insure that no water can flow into the sewer line. All manholes under construction shall be sealed tightly to prevent flows entering the system.

4.9.5: BEDDING MATERIALS

Pipelines installed in the Town of South Fork shall be bedded in accordance with these alternatives, as decided by the Engineer:

4.9.5.1 CONCRETE ENCASEMENT

Concrete encasements may be used around sewer pipelines when the minimum vertical and horizontal separations between water and sewer lines cannot be achieved.

(See Section 4.9.8(A)(3), 4.9.9(E)(3) for water line protection details.)

When concrete encasements are required, the sewer pipe shall be set upon, and be fully covered with 3000-psi concrete as shown on the plan or as required by the Town Public Works Director.

1557, **Modified Proctor**, at $\pm 2\%$ of optimum moisture, using methods and equipment satisfactory to the Engineer.

4.9.5.2 DISPOSAL OF SPOILS

Unless otherwise specified, all excess backfill material shall be removed from the rights-of-way and public property by the Contractor at his expense.

4.9.5.3 TRENCH BACKFILL UNDER EXISTING STREETS

Trench Backfill under existing streets shall be half (1/2) sack **“Flowable Fill”** (cement augmented, water saturated gravel) with a 28 day compressive strength not to exceed 60 p.s.i. in order to insure the backfill can be re-excavated. “Flowable Fill” shall be vibrated to improve the consolidation of the flowable fill mix. The flowable fill shall be placed even with adjacent surfaces to insure drainage away from the trench. See the Standard Town Detail for Flowfill.

(1) PAYMENT FOR FLOWABLE FILL

The Town shall pay for flowable fill by the lineal foot of pipe installed unless otherwise specified in the Contract.

4.9.5.4 LIFT DEPTHS FOR BACKFILL

Lift depths shall be determined in the field after evaluation of conditions on site by the Town's Engineer and the Contractor. Lift depths shall be developed upon the type of material being compacted, and the type, weight, and power of the compaction equipment being used. **Lift depths shall be subject to the approval of the Town's Engineer**, and may be modified by the Engineer as conditions warrant. In general, lift depths in excess of 8" (inches) will not be approved.

4.9.5.5 MOISTURE CONDITIONS FOR BACKFILLING MATERIAL

The moisture content of the backfill material shall be **plus or minus 2% of optimum moisture**, as determined by ASTM D 1557. **The Contractors shall be prepared to moisten dry soils, or to dry excessively wet soils, as needed.**

4.9.5.6 COMPACTION DEMONSTRATION OPTION

If the contractor proposes to use lift depths greater than the Town's Engineer believes will allow full depth compaction to meet this specification, then the Contractor may, at his expense, demonstrate his proposed backfill methods, equipment, and lift depths on a trial section of trench. The Contractor shall engage an independent soil testing laboratory, at the Contractor's expense, to test the Backfill at all depths. If the test results demonstrate that the Contractor can meet the specification to the satisfaction of the Town's Engineer, the Engineer may, at his discretion, allow use of deeper backfill lifts in conjunction with the methods and equipment used in the Contractor's Demonstration Section.

4.9.5.7 BACKFILL ACROSS AGRICULTURAL LANDS

Backfill of trenches crossing lands shall be compacted to a minimum of 85% of Modified Proctor Density, ASTM D1557, at +/-2% of Optimum Moisture, **or in the alternate shall be placed and compacted to match the density and moisture content of the undisturbed, in-situ material on site.**

Should the Contractor elect to place the backfill to match in-situ density and moisture content, the Contractor must first have the undisturbed in-situ density and moisture. In-situ pre-testing shall be conducted at intervals satisfactory to the Engineer through the length of the project. All cost of in-situ testing of existing material shall be borne by the Contractor.

STABILIZING MATERIAL FOR UNSTABLE TRENCHES

In the event unstable ground conditions are encountered in pipeline excavations, the trench shall be over-excavated to such additional depth as directed by the Town's Engineer, and backfilled to pipeline grade with 1-1/2" clean crushed rock to stabilize the trench bottom. **See Section 4.9.4(F).**

4.9.5.8 SUPPORT FOR MANHOLES IN UNSTABLE GROUND

When unstable ground conditions exist at manhole locations, the Contractor shall over-excavate as directed by the Town's Engineer and construct a manhole foundation using 1-1/2" clean crushed rock to provide adequate support for the manhole.

4.9.5.9 ISOLATION OF WATER LEAKS

Whenever washed rock is used to stabilize trenches for water mains, properly placed impermeable clay dikes at least 6' long shall be constructed every 50' along the pipeline to isolate any possible future water leaks.

4.9.6: PLACEMENT AND COMPACTION OF BACKFILL

4.9.6.1 TRENCH BACKFILL UNDER NEW STREETS

In general, backfill material for utilities installed in new street shall be the material which has been excavated from pipeline trenches on the site, provided it is free from objectionable materials, as determined by the Town's Engineer.

(1) ORDINARY BACKFILL MATERIAL

Ordinary backfill material shall generally consist of that material which has been excavated from the trench. Rubbish, frozen material, organic debris, broken concrete, broken pavement, other debris, stones or other consolidated material greater than two (2) inches in diameter when within twelve (12) inches of pipe, organic muck, or other materials considered deleterious by the Town's Engineer shall not be used for backfill. Clay and similar material with a plasticity index greater than twenty (20) will not be considered suitable for backfilling the trenches located in streets, road, highway, or thoroughfares.

(2) IMPORTED FILL

Imported fill shall be used when, in the opinion of the Town's Engineer, the excavated material is not satisfactory for use as backfill, or whenever there is a shortage of satisfactory backfill material. The Contractor shall furnish all necessary suitable backfill material, and shall dispose of all condemned excavated material, at

the Contractor's expense unless otherwise provided by the Contract. Imported fill shall be subject to approval by the Engineer.

(3) BACKFILL METHODS

The trench shall be backfilled and compacted in shallow lifts using methods, equipment, and materials acceptable to the Town's Engineer, in such a manner as to avoid damage to, or displacement of, the installed main.

(4) COMPACTION OF ORDINARY BACKFILL IN NEW STREETS

Backfill material in trenches in right of way for new street yet to be constructed, and in utility easements, shall be compacted to 70% of maximum density defined by ASTM D.

Backfill & compaction operations in such a manner as to match the measured pre-existing conditions. In absence of in-situ density test results satisfactory to the Town's Engineer, the Contractor shall compact the backfill across agricultural lands to at least 85% at Modified Proctor at +/-2% of optimum moisture.

4.9.6.2 COMPACTION TESTING

Compacted backfill in trenches shall be tested for density at random depths and locations by an independent soils testing laboratory retained by the Town, at intervals and depths determined by or satisfactory to the Town Public Works Director.

(1) PROCTOR VALUES

Maximum theoretical density (Proctor Value) shall be determined by an approved soil laboratory for each type of soil being used for backfill, and shall be re-checked at intervals determined by the Town Public Works Director.

(2) REPORTING TEST RESULTS

All density test results shall be reported to the Town's Engineer and to the Contractor at the time of testing.

(3) READINESS FOR TESTING

The Contractor shall report to the Town's Engineer when the work has progressed to a point where it is ready to be tested. The Contractor shall provide the Engineer with adequate advance notice (generally 24 hours) to allow scheduling of testing. The Engineer shall decide whether to take tests at any given depth or section, and shall schedule testing so as to minimize interference with the Contractor's operations. The Contractor shall adjust his operations to allow access to the backfill for testing. Notwithstanding the Contractor's opinion of readiness for testing, if a

lift of backfill is being placed, the previous lift shall be considered ready to test, and may be tested at the Town's discretion.

(4) **FAILING TESTS**

Any backfill that fails to meet the density specification shall be reworked and retested until passing tests are obtained. Prior to acceptance of the work, for each failing test there shall be on record a passing retest taken at the same location and depth after the backfill has been reworked.

(5) **COST OF RE-TESTING**

The Town's Engineer may, at his option, back charge the Contractor for the costs of retesting areas of backfill that failed to pass the initial testing.

(6) **ACCEPTANCE OF THE WORK**

All density tests must meet the specifications prior to release of payment, acceptance of the work, or issuance of a Certificate of Completion.

(7) **ASSIGNMENT OF RESPONSIBILITY FOR TESTING**

The Town Public Works Director may, at his option, assign responsibility for managing and reporting compaction testing to a Registered Engineer serving as Project Engineer, and may, at the Town Public Works Director's option, rely upon the Project Engineer's certification that the work meets the specifications.

4.9.6.3 MAINTENANCE OF BACKFILL

All backfill shall be maintained in a satisfactory condition, and all places showing signs of settlement shall be filled and maintained at the Contractor's expense for a period of one (1) year following completion of construction and the acceptance of the work by the Town.

4.9.6.4 CONTRACTOR'S WARRANTY AGAINST TRENCH STATEMENT

The Contractor shall warrant all trench backfill against subsidence for a period of one year from the date of the Certificate of completion. Any section of trench in existing paved street that settles more than 1.0" below the adjacent undisturbed pavement shall be repaired and resurfaced by the Contractor for an additional year. The Town's Engineer may, at his discretion, hold appropriate retainage, or require the Contractor post a bond, for the warranty period. All replacement materials and procedures shall be subject to the inspection and approval by the Town Public Works Director.

4.9.6.5 REMEDY FOR FAILURE TO HONOR WARRANTY

Should a Contractor fail to honor his warranty obligations by refusing or neglecting to repair defective work during the year warranty period, said Contractor shall forfeit eligibility to bid upon Town work for a period of three (3) years. The Town Public Works Director, at his discretion, may refuse to accept for inclusion into the Town utility system any private work constructed by that Contractor during that period.

4.9.7: SURFACE RESTORATION

Where pavement, curb and gutter, sidewalks, drainage culverts, headwalls, ditches, lawns, fences, irrigation works, and other improvements have been removed during the course of the work, such items shall be restored to a condition equal to or better than original condition. In lieu of replacing landscaping, the Contractor may make private agreements with, and payments to, the affected landowners, and shall present signed releases from those landowners to the Town's Engineer prior to release of final payment.

The subgrade for all restored surfaces shall be compacted in accordance with this specification. All restoration of existing structures and conditions shall be made at the Contractor's expense.

4.9.8: WATER DISTRIBUTION SYSTEM MATERIALS AND INSTALLATION

4.9.8.1 SCOPE

- (1) Water distribution systems in the Town of South Fork shall be designed and constructed in accordance with the South Fork Water and Sanitation District "Sanitary Sewer Specification". Materials and Installation will agree with Section 4 of this specification.

- (2) LOCATION AND COVER

Water mains shall generally be placed north and east of street centerlines.

Water mains shall be installed to maintain a minimum of four feet (4') of cover from the top of the pipe to the final finished street grade.

- (3) PROTECTION OF WATER MAINS FROM SEWERAGE LEAKS

Where sewer lines cross water mains, or come within ten (10) horizontal feet of each other, the sewer pipe shall be a minimum of eighteen (18) inches clear distance vertically below the water main. If this clear distance is not feasible, the pipe section must be designed and constructed so as to protect the water main by

encasing the sewer pipe. Encasement may be concrete (in accordance with **Section 4.9.5(A)**), or another, larger pipe that is continuous for at least 10' perpendicular distance on either side of the water main. **See Section 4.9.9(E) and 4.9.9(F)** for details.

(4) LOOPING REQUIREMENTS

Water main extensions shall be designed to make continuous loops, connecting to the SFW&SD water system in at least two points to provide alternate sources of supply.

(5) GRADE STAKES

The Developer's Engineer shall provide survey stakes defining alignment and depth for all water main installations. All fittings, valves, and accessories shall be staked for location. Hydrant locations and elevations shall be staked. Hydrants shall be set 1' behind the sidewalk, and the flange at the base of the hydrant shall be set 2" to 6" above top back of walk.

4.9.8.2 MATERIAL HANDLING AND STORAGE

Pipes, fittings, valves and accessories shall be loaded and unloaded or otherwise handled in such a manner as to minimize the possibility of damage prior to installation. All materials shall be stored at the construction site in such a way as to prevent damage and to assure they are kept clean.

4.9.8.3 VALVE AND VALVE BOXES

(1) GENERAL

(a) Valve Location: The water distribution systems shall be designed so that only one block need be closed off in the event of a water line break. Valves on distribution lines shall be installed at each intersection, or every 500 lf, whichever is less. Valves on transmission lines shall be installed at intervals determined by the Engineer. Water line intersections shall be designed with a valve on each leg of the fitting to accommodate emergency shut-off. In business and high density areas, sufficient valves shall be used to close off each block.

(b) Valve Type: Gate Valves shall be installed on 6" & 8" pipe. Butterfly Valves shall be installed on 10" and larger pipe.

(2) INSTALLATION

- (a) Valves shall be installed in accordance with ASTM specifications, at the locations shown on the drawings. Valves adjacent to crosses and tees shall be installed directly on the fitting with bolted flange to flange connections. Valve interiors shall be cleaned of all foreign matter before installation. Valves shall be inspected in the open and closed positions to insure that all parts are in working condition.
- (b) Valve Pads: All valves shall be installed on precast concrete pads at least 4" thick with a soil bearing area of at least 4 sf. In muddy or unstable ground conditions, the zone beneath the valve shall be over-excavated as directed by the Town's Engineer, and backfilled with 1-1/2" washed rock prior to placing the valve pad.

Should it be necessary to cast concrete pads under valves, sufficient forming shall be used to ensure that no concrete contacts the bolt flange, no interferes with installation or removal of the bolts. Plastic sheeting shall be placed between the valve body and cast in place concrete.

- (c) Valve Boxes shall be installed with all valves. Valves twelve (12) inches and larger shall be provide with a bonnet. Valve boxes will be centered and plumb over the wrench nut of the valve with the box cover flush with the level of the finished grade or such level as may be directed by the Town's Engineer. Valves installed in any location other than in a street shall be marked with 4 x 4 Redwood post set at least 30" in the ground, extending 4' above grade, with the top 12" with painted blue.

4.9.8.4 FIRE HYDRANTS

(1) HYDRANT LOCATIONS

In **Residential Areas**, fire hydrants shall be installed a maximum of 500 linear feet apart, measured along the street, generally at each intersection, with a travel distance of no more than 250 lf from any point on the street to the nearest hydrant.

In **Business, Commercial, Industrial , and High Density Residential Areas** hydrants will be located in conformance with the Uniform Fire Protection Code.

Where practical, hydrants shall be set on the side of the street closest to an inbound fire truck.

Hydrant locations must be approved by the Town Public Works Director and by the Fire Chief.

The Project Engineer will stake the location and elevation for all hydrants. In general, hydrants will be set 1' behind the sidewalk, with the hydrant base flange set 4" to 6" above top back of walk.

4.9.8.5 TRUST BLOCKS

All fittings causing a change in the direction or velocity of flow in the pipe shall be provided with thrust restraints. Thrust restraints are generally not required on in-line valves unless specifically designated by the Town Public Works Director.

(1) MATERIALS

Concrete for thrust blocks shall have a minimum cement content of five (5) sacks per cubic yard and a maximum water compressive strength of 2500 psi in twenty-eight (28) days.

(2) INSTALLATION

All fittings causing a change in the direction or velocity of flow in the pipe shall be provided with thrust blocks or acceptable joint restraints. The thrust block shall be placed between the solid ground of the trench wall and the fitting. The concrete shall be placed so that the pipe and fitting joints will be accessible for repair. Sufficient concrete formwork shall be constructed to ensure that no concrete comes in contact with, nor interferes with, installation or removal of the bolts on the fitting. Plastic sheeting shall be placed between the fitting and concrete.

(3) SOIL BEARING AREA

The size of the bearing surface of the thrust block upon the soil shall be determined by the Project Engineer, and included on the plans. Bearing area shall be calculated based upon the measured bearing capacity of the soil on site, but shall not be less than 4 square feet.

(4) PRECAST THRUST BLOCKS

The Contractor may install appropriately sized precast pads for thrust blocks, provided the area between the pad and the undisturbed earth is backfilled with crushed road base gravel compacted to at least 95% Modified Proctor density, or flowable fill.

(5) Mechanical joint restraints such as "Mega-lugs" may be used on ductile iron pipe in lieu of thrust blocks, if approved writing by the Town Public Works Director. Mega-Lugs may be used in addition to, but not in lieu of, thrust blocks on PVC pipelines.

4.9.8.6 FILLING WATER MAINS

When installation has been completed, the main shall be slowly filled with water moving at a velocity of less than one (1) foot per second. This water shall remain in the pipe for at least twenty-four (24) hours to allow time for disinfection. All air shall be expelled by means of taps installed by the Town at points of highest elevation. Upon completion of testing, all vent taps shall be mechanically capped or plugged by the Contractor.

As the chlorinated water flows past tees and crosses, all valves and hydrants shall be operated so as to disinfect appurtenances.

4.9.9: SEWERAGE COLLECTION SYSTEM DESIGN AND CONSTRUCTION

4.9.9.1 SCOPE

Sewage collections systems in or for the Town of South Fork shall be designed and constructed in accordance with the standards promulgated by the Water Quality Control Division of the Colorado Department of Public Health, by the Uni-Bell PVC Pipe Association, and by The South Fork Water and Sanitation District specifications.

**Design Criteria Considered in the Review of
Wastewater Treatment Facilities**
Police 96-1

Colorado Department of Public Health & Environment
Water Quality Control Division
4300 Cherry Creek Drive South
Denver, CO 80222-1530

Handbook of PVC Pipe
Uni-Bell PVC Pipe Association
2655 Villa Creek Drive, Suite 155
Dallas, TX 75234

**South Fork Water and Sanitation District
Sanitary Sewer Specifications**
28925 West Highway 160
South Fork, CO 81154

4.9.9.2 DESIGN CRITERIA

(1) PIPELINE MATERIALS

All public sewerage collection pipelines shall be constructed of Polyvinyl Chloride (PVC) pipe manufactured in conformance with ASTM D-3034, having a nominal inside diameter not less than 8".

(2) PIPELINE SIZES

Sewer collection pipelines shall be sized to carry the **Design Flows** based upon service area population estimates by the Project Engineer. Should the Town Public Works Director conclude that a proposed new pipeline will ultimately serve a larger area and population than is included in an individual project, the Town Public Works Director may direct the Project Engineer to design an larger pipeline. When the Town requires oversizing pipelines in conjunction with a private project, the Town will share in the cost of oversizing the pipeline.

The Project Engineer shall design all sewer pipelines based upon the following sewage flow criteria:

- (a) **Average flow** shall be determined by the following:
- (i) Residential – on a basis of 3.2 people per residence and 100 gallons per day per person.
 - (ii) Multi-family Areas – on a basis of 300 gallons per day per living unit.
 - (iii) Commercial Areas – on a basis of 4600 gallons per day per acre or actual usage, whichever is greater.
 - (iv) Industrial Areas – on a basis of 5040 gallons per day per acre or actual usage, whichever is greater.
- (b) **Peak Flow:** The average flow shall be multiplied by a peaking factor to obtain the **peak design flow**. The peak factor shall be calculated using the following criteria:

No South Fork Water & Sanitation District sanitary sewer line shall be smaller than eight inches in diameter.
Sanitary sewer lines shall be designed to provide peak flow velocities between two feet per second (fps) minimum and ten fps maximum using Manning's Formula as follows:

$$V = \frac{1.49}{n} R^{2/3} S^{1/2}$$

Where V = Flow velocity (fps)

R = Hydraulic radius (ft), determined by dividing the flow area by the wetted perimeter.

S = Slope (ft/ft) of the energy grade line, which is approximately equal to the sanitary sewer line design slope.

n = Manning's pipe roughness coefficient or "n" factor = 0.013.

The maximum design flow depth at peak flow shall not exceed 83% of the internal pipe diameter (i.e. $d/D = 0.83$, the ratio of flow depth to internal pipe diameter).

Hydraulic characteristics shall be calculated for each reach of the sanitary sewer system to show conformance with these Specifications. Table 2.2 outlines minimum and generally acceptable maximum slopes for sanitary sewer lines as follows.

TABLE 4.9.9 ¹

Nominal Pipe Diameter (Inches)	Minimum Slope ² (Ft/100 Ft)	Maximum Slope At $d/D = 0.83$ (Ft/100 Ft)
4 (Service)	2.0	20.0
6 (Service)	1.0	12.0
8	0.50	10.0
10	0.35	6.0
12	0.25	4.0
15	0.20	3.0
18	0.20	2.2

Notes:

1. It should be noted that the maximum slopes are based on $d/D = 0.83$. As flow depth decreases, the allowable maximum slope may also increase, as long as velocities do not exceed 10 fps. The minimum slopes indicated are absolute minimums.
2. All dead end sanitary sewer lines (i.e. cul-de-sacs) shall have a minimum slope of one percent.

Contract documents shall develop and show average flow, peak flows, and other information at all points of connection to the existing sanitary sewer system as follows:

Q _{peak}	Peak sanitary sewer flow in connecting line.
Q _{avg}	Average sanitary sewer flow in connecting line
V _{peak}	Peak flow velocity in connecting line
V _{avg}	Average flow velocity in connecting line
d _{peak}	Peak flow depth in connecting line
d _{avg}	Average flow depth in connecting line
d/D _{peak}	Ratio of peak flow depth to inside pipe diameter in connecting line
S	Slope of connecting sanitary sewer line
n	Manning's "n" = 0.013
PF	Peak factor per Table 2.1

Development Number and type of total ultimate planned units tributary to the point of connection.

Sanitary sewer system layout shall provide a system of lines which generally increase in diameter from higher to lower areas within the basin. Once in line size is increased at any point in the system, it shall not be reduced in size at any downstream location, regardless of available line slope.

- (b) **Infiltration** shall be estimated using the following two methods. The larger result obtained using these calculations shall be added to the peak flow to determine the design flow.
 - (i) A factor of 0.095 gallons per inch diameter per foot of pipe per day multiplied by the total length of pipe in feet and the diameter in inches.
 - (ii) 500 gallons per day per acre.
- (c) **Design Flow:** The sum of the peak flow and the infiltration allowance shall be used to calculate pipeline size.
- (d) **Calculations:** The Project Engineer shall provide the Town Public Works Director with copies of his estimates and calculations.

(3) LOCATION, COVER AND SEPARATION

Sewer mains shall generally be located under streets, south and west of street centerline, or on centerlines of alleys. Sewer mains shall not be designed or installed in easements outside of public right-of-way unless written permission is obtained from the Town Public Works Director.

Sewer mains shall be located a minimum of ten (10 horizontally from existing or proposed water mains.

Manhole locations shall be shown on the plans by street station number and lateral offset from centerline.

Sewer mains shall be designed deep enough to serve basements and lower level bathroom facilities wherever possible. The Project Engineer shall endeavor to place all sewer 8' below finished street grade. At a minimum, all sewers shall be at least three and one-half (3 ½) feet deep, measured from the top of the pipe to the proposed finish street grade. Where possible, sewers shall be installed deep enough to accommodate all future extensions and connections that can be foreseen.

(4) ALIGNMENT AND SLOPE

Sewer mains shall be designed such that the full flowing velocity is not less than two (2) feet per second, nor greater than ten (10) feet per second. Generally, sewer mains shall be designed so that the pipeline between any two adjacent manholes is on a straight line.

4.9.9.3 GRADE STAKES

The Developer's Engineer shall provide grade for all sewer main installation. These shall locate the main both horizontally and vertically. All manholes shall be staked for centers, line, and elevation.

4.9.9.4 MATERIAL HANDLING AND STORAGE

All pipes, fittings, and accessories shall be loaded and unloaded or otherwise handled in such a manner as to minimize the possibility of damage prior to installation. All materials shall be stored at the construction site in such a way as to prevent damage and to assure they are kept as clean as possible prior to installation.

4.9.9.5 WATER LINE PROTECTION

(1) VERTICAL CLEARANCE BELOW WATER LINES

Where sewer lines cross water mains or come within ten (10) horizontal feet of each other, the sewer pipe shall be a minimum of eighteen (18) inches clear distance vertically below the water main. If this clear distance is not feasible, the sewer pipe section must be designed and constructed so as to protect the water main.

(2) VERTICAL CLEARANCE ABOVE WATER LINES

Should a situation exist where a sewer main must be constructed crossing above a water main, the minimum clear distance vertically shall be six (6) inches, and the sewer pipe section shall be designed & constructed so as to protect the water main.

(3) WATER LINE PROTECTION OPTIONS:

- (i) The sewer pipe shall be encased in reinforced concrete at least 6" all around the pipe, for at least 10'
- (ii) The sewer pip shall be sealed within another, larger continuous (joint free) pipe, for at least 10' horizontal perpendicular distance on either side of

the water main. The sewer pipe shall be sealed within the encasement pipe with non-shrink concrete grout extending at least 6" into the larger pipe.

(4) SERVICE LINE PROTECTION

These requirements for water line protection from sewer lines shall be equally applicable to force mains and sewer service connection.

4.9.9.6 CONCRETE ENCASEMENTS

(1) MATERIALS

Concrete for sewer pipe encasements shall have a minimum cement content of five (5) sacks per cubic yard and a maximum water content of five (5) gallons per sack of cement and shall have a minimum compressive strength of 2,500 psi in twenty-eight (28) days.

Minimum reinforcing for concrete encasements shall be 4 each #4 bars, continuous for the length of the casing.

(2) INSTALLATION

Prior to placing the concrete for cradles or encasements, temporary supports consisting of concrete blocks or bricks shall be used to support the pipe in place. Not more than two (2) supports shall be used for each pipe length, with one adjacent to the shoulder of the bell and the other near the spigot end.

(3) ENGINEERING OBSERVATION

No encasements shall be poured until the Town Public Works Director has observed and approved the pipe to be encased and its supports.

4.9.9.7 PIPE, FITTINGS, AND JOINTS

(1) MATERIALS

All sewer pipe shall be rigid Polyvinyl Chloride (PVC).

(2) RIGID POLY VINYL CHLORIDE PIPE (PVC)

(a) All PVC sewer pipe shall meet the requirements of ASTM Designation D3034 "Type PSM Poly Vinyl Chloride (PVC) Sewer Pipe and Fittings", latest revision. The maximum allowable length per section of pipe shall not exceed thirteen feet (13') for pipe diameter up to 10 ", nor twenty (20) feet for larger diameter pipe.

- (b) Wall Thickness- The wall thickness of all PVC pipe shall meet ASTM Designation D3034 SDR 35 or better.
 - (c) Diameter – the diameter indicated on the drawing shall mean the inside diameter of the pipe. Pipe shall be so constructed that the initial vertical diameter does not decrease by more than 4% with a longer term maximum of 7 ½%.
 - (d) Joints – Pipe joint assemblies shall be bell and spigot with an O-ring rubber gasket, or solvent weld for clean-outs or lamp holes.
 - (e) Marking – All PVC sewer pipe shall be marked with the following:
 - (i) Name or Trademark of Manufacturer
 - (ii) ASTM Specifications
 - (iii) Nominal Diameter
- (3) Acceptance – In addition to any deficiencies covered by ASTM D3034, PVC which has any of the following visual defects will not be accepted:
- (a) Straightness: Any joint of pipe which has a camber (perpendicular offset from a straight line) of more than one half inch (1/2") in the length of the joint. Pipe with camber of less than ½" shall be installed with the curved laid horizontally alternating left and right.
 - (b) Pipe which is sufficiently out-of-round to prohibit proper jointing.
 - (c) Improperly formed bell and spigot ends.
 - (d) Fractured, cracked, chipped, or otherwise damaged pipe.
 - (e) Pipe that has been damaged during shipment or handling.
- (4) Surface Finish – The interior and exterior surfaces of all PVC pipe shall be uniform in color, shall not have been "sunburned" during long term outside storage, and shall be smooth and free of scratches or blisters.

4.9.9.8 INSTALLATION

- (1) LASER GRADE AND ALIGNMENT CONTROL

Pipe shall be installed at the depths, grades, and locations shown on the approved drawings. A pipeline laser shall be used to establish line and grade for the excavator and the pipelayers. Trained, qualified personnel using appropriate surveying equipment and methods shall set the laser to line and grade. The Town Public Works Director may order cessation of work if the Contractor fails to provide trained and qualified personnel to set the laser.

(2) MANHOLE FLOW LINE ELEVATION CHECK

The Project Engineer shall check actual flow line elevation at each manhole prior to installing pipe to the next manhole. The grade to the subsequent upstream manhole shall be adjusted by the Project Engineer to compensate for errors in the previous section.

If a pipeline installation error

- (a) exceeds .5 vertical foot,
- (b) causes encroachment upon the limiting minimum or maximum grades or depths,
- (c) causes encroachment upon other utilities,
- (d) interferes with water line clearance, or
- (e) interferes with critical subsequent connections,

then the section of pipeline containing the error shall be removed and correctly installed unless otherwise directed by the Town Public Works Director.

(3) PIPELINE BEDDING

Sewer pipelines shall be bedded in ¾" washed rock in accordance with **Section 4.9.5(G)**. No rocks larger than two (2) inches in diameter will be permitted within one (1) foot of the pipe. Sufficient handwork will be performed around the bell to ensure that the barrel of the pipe will have a firm bearing from end to end. The weight of the pipe and backfill shall be carried on the body of the pipe, and shall not be concentrated on the bell. All adjustments to line and grade must be made by scraping or filling under the body of the pipe. Wedging or blocking of the bell of the pipe will not be permitted.

The pipe shall be laid upgrade from structure, with bell end upgrade, unless otherwise directed or permitted by the Town Public Works Director.

The pipeline shall be backfilled & compacted in accordance with **Section 4.9.6** of this specification.

4.9.9.9 DITCH CROSSING

All ditch crossings specified on the plans shall be constructed in accordance with these specifications.

4.9.9.10 SEWER PIPELINE ACCEPTANCE CRITERIA

Pipelines constructed for, or to be dedicated to, the Town of South Fork or the SFW&SD must meet the following minimum criteria before becoming eligible for acceptance into the Town system.

(1) ALIGNMENT

The Town's Engineer shall determine allowable tolerance for misalignment based upon the size, slope, and anticipated flow volumes for the pipe, using the following criteria for guidance:

- (a) Through Visibility (Lamp Test): The engineer must be able to see at least 2/3's of a full circle when looking through the pipeline from manhole to manhole. Sewer mains & manholes shall be clean and free of obstructions.
- (b) Vertical dips in the grade of the installed pipeline shall not hold water more than one inch (1") deep, nor exist for more than 20% of the length of any segment from manhole to manhole. The Town Public Works Director may order internal TV inspection of new pipelines at his discretion. The Town shall pay the cost of TV inspection unless defective work requiring repair is found, in which case the Public Works Director may, at his discretion, backcharge the Contractor for that cost.
- (c) Line & Grade in the installed pipeline at each manhole shall be within +/-1' horizontally & +/-5' vertically of the design, provided that any errors do not infringe upon critical subsequent connections, other utilities, easements, rights of way, curb, gutter, and pan flow lines, storm drainage facilities, water line clearances, minimum depths, or minimum grades.

(2) MINIMUM GRADE

All sections of the pipeline must have positive fall from manhole to manhole, and no more than 5% of the total length of the project may be installed at grades less than the minimums stated in **Section 4.9.9 (B)(4)**.

(3) INFILTRATION

Infiltration into the pipeline from all sources may not exceed **50 gallons per day per inch of pipeline diameter per mile**.

(4) BEDDING, BACKFILL & COMPACTION

The pipeline shall have been bedded in accordance with **Section 4.9.5**, and backfilled & compacted in accordance with **Section 4.9.6** of this specification. Sufficient density tests shall be made during the backfill process to demonstrate to the Town Public Works Director that the compaction methods & equipment employed on the project were satisfactory for the conditions. All areas where the density tests failed to meet the specifications shall be reworked until passing test are obtained, in accordance with **Section 4.9.6(G)**. All test results shall be filed with the project records.

(5) **LOW PRESSURE AIR TESTING:**

All section of sewer pipeline, including service laterals, shall be tested for integrity by low pressure air testing in accordance with the recommendations of the Handbook of PVC Pipe of the Unibell PVC Pipe Association. Any section, which fails to hold pressure within .5 psi for the test interval, in accordance with the test protocol, shall be repaired at the Contractor's expense.

- (a) **Backfill:** The pipeline shall be backfilled sufficiently to restrain the pipe laterally & vertically.
- (b) **Test Pressure:** The sewer pipeline will be plugged at each pair of manholes, and pressurized with compressed air to 3.6 psi +/- .1 psi above groundwater pressure, if any.
- (c) **Maximum Pressure Drop:** Loss of air pressure during the rest interval, defined below, shall not exceed .5 psi. The test interval shall be the sum of the test time for the main line plus test time for the service laterals, in accordance with the accompanying table:

MINIMUM TEST INTERVAL, IN MINUTES

SEWER MAIN AIR TEST FOR A .5 PSI MAXIMUM PRESSURE DROP

Pipe Diam.	Pipeline Length							
	100'	150'	200'	250'	300'	350'	400'	450'
4"	1:53	1:50	1:50	1:50	1:50	1:50	1:50	1:50
6"	2:50	2:50	2:50	2:50	2:50	2:50	2:51	3:12
8"	3:47	3:47	3:47	3:47	3:48	4:26	5:04	5:42
10"	4:43	4:43	4:43	4:57	5:56	6:55	7:54	8:54
12"	5:40	5:40	5:42	7:08	8:33	9:58	11:24	12:50
15"	7:05	7:05	8:54	11:00	13:21	15:35	17:48	20:02

(6) **VERTICAL PIPE DEFLECTION:**

At any time prior to Final acceptance of the project, the Public Works Director at his discretion may measure any section of the sewer pipeline for vertical ring deflection. This is typically accomplished by pulling a mandrel through the pipeline. Maximum ring deflection of the pipeline under load shall be limited to 5% of the vertical internal pipe diameter. All pipe deflection exceeding 5% shall be repaired or replaced by the Contractor at no expense to the Town.

(7) CORRECTION OF DEFICIENCIES:

The Contractor shall correct, at his own expense, any deficiencies in alignment, grade, backfill, compaction, infiltration, air leakage, inverts, manholes, broken pipe, or surface restoration before the pipeline is placed in service, before release of progress payments for that portion of the line, and before issuance of the Certification of Completion.

(8) PROJECT RECORDS:

When each segment of pipeline has been successfully inspected & tested, a written record of the lamp test, actual drop & grade between manholes, TV inspection (if any), infiltration (if any), compaction tests, and sir test results shall be placed in the project files with the As-Built Drawings.

4.9.10: SEWER TAPS AND SERVICES

4.9.10.1 CONTRACTOR TO INSTALL SEWER SERVICES LATERALS

Sewer service pipelines shall be installed by the Contractor. Connection to new sewer mains shall be made by the Contractor. Connections to existing sewer mains shall be cut in by the Water & Sanitation District. All connections will be approved by the SFW&SD.

4.9.10.2 FULL BODY WYE'S

New sanitary sewer mains shall utilize full body wye fittings with elastomeric gaskets installed in the main for service line connections.

4.9.10.3 SERVICE SIZE & SLOPE

Service laterals for individual residences, and for multi-family residences of up to 4 units, shall be 4" PVC, ASTM D3034, installed on a grade of not less than 1%. Service laterals for multi-family residences of more than 4 units, and for commercial or industrial usage, will be individually sized by the Project Engineer.

4.9.10.4 SERVICE LOCATIONS

Service lines are to be installed at standardized locations throughout the subdivision, preferably near the center of the lot away from the power, phone, & TV utilities which tend to congregate at lot corners. Service lines shall be installed to a point inside the property line, and 2' beyond the dedicated easement, and shall be capped or plugged with a fitting suitable to withstand pressure testing.

4.9.10.5 SERVICE LOCATIONS TO BE STAKED

The Project Engineer shall place a grade stake locating each sewer service before it is installed. Both the Wye and the end of the service shall be so staked. **The actual installed location of service wye's, and the ends of the service laterals shall be measured and recorded by the Project Engineer on the As-Built Drawings**, using street station numbers and perpendicular offset distance from centerline.

4.9.10.6 SERVICE LOCATION TO BE MARKED

The end of the installed service line shall be marked with a 4" x 4" timber post or 4" PVC sewer pipe, painted green, extending from the bottom of the service line at a point approximately 18" above grade.

4.9.10.7 CUT IN TAPS BY THE SOUTH FORK WATER AND SANITATION DISTRICT

Taps into existing sewer mains shall be cut into the main by the Water & Sanitation District. The Contractor shall uncover the main at the point of the tap, stabilize the trench as needed, and provide a suitable workspace. **Private Contractors may not tap into an existing main** unless they are employed directly by the Town or the District for that purpose.

4.9.10.8 SAMPLING MANHOLE

A sampling manhole shall be installed on the service line to all commercial users of the town sewer collection system located in business and industrial parks. This manhole shall be located within fifteen (15') of the building and shall be accessible by the Town at all times. The manhole shall be constructed in accordance with the design provided with these specifications. Approval of the manhole location is required from the Town Public Works Director prior to installation. The installed manhole shall be inspected by the South Fork Water & Sanitation District personnel prior to being placed in service.

4.9.11: ACCEPTANCE OF NEW PIPELINES

4.9.11.1 AUTHORIZATION TO PLACE IN SERVICE:

Newly installed pipelines may be placed in service upon completion of the installation, testing, and inspection outlined previously in this specification, receipt and acceptance of the As-Built Drawing by the Town

Public Works Director, and upon issuance of the **Certification of Completion** by the Town Public Works Director. No acceptance by the Town will be made without the prior acceptance by the South Fork Water and Sanitation District.

4.9.11.2 CONTRACTOR'S WARRANTY:

The Contractor shall warrant his work to be free from defects in materials and workmanship for a period of not less than **one (1) year** (the Acceptance Period). The Contractor may request release from Warranty responsibility one year after the date of signature on the **Certificate of Completion**.

4.9.11.3 FINAL INSPECTION:

At the end of the 1 year Acceptance Period, and upon request by the Contractor, the Town's Engineer and the Contractor shall jointly observe the work. The Town's Engineer may make such tests and inspections as he deems necessary consistent with these specifications. Any defects in the system resulting from defective materials, poor workmanship or any other cause attributable to the Contractor's work shall be corrected by the Contractor, to the satisfaction of the Engineer, at the Contractor's expense.

4.9.11.4 ACCEPTANCE BY THE TOWN:

After the Final Inspection, and upon satisfactory correction of any deficiencies by the Contractor, the Town Public Works Director shall issue written "**NOTICE OF ACCEPTANCE**" by the Town and all installations of this nature need acceptance by the South Fork Water & Sanitation District. At that point the Town or the District assumes responsibility for that pipeline, and the Contractor shall be relieved of further responsibility for the work.

4.9.11.5 WARRANTY CONTINUES UNTIL NOTICE OF ACCEPTANCE:

Responsibility to initiate the Final Inspection, the Contractor's Warranty shall continue to run until such a time as the work is inspected by the Town Public Works Director, and a **NOTICE OF ACCEPTANCE** is issued by the Town Public Works Director, this notice will not be given unless the installation has an acceptance by the South Fork Water & Sanitation District, or as terminated in **Section 4.9.11(G)**.

4.9.11.6 REMEDY FOR FAILURE TO HONOR WARRANTY:

Should a Contractor fail to honor his warranty obligations by refusing or neglecting to repair defective work during the one year warranty period, said Contractor shall forfeit eligibility to bid upon Town work for a period of three (3) years. The Town Public Works Director may, at his discretion, refuse to accept for inclusion into the Town utility system any private work constructed by that Contractor during that period.

4.9.11.7 AUTOMATIC ACCEPTANCE BY THE TOWN:

Absent action by the Contractor requesting a Final Inspection, or by the Town requesting Warranty work, use of the system by the Town for a period of three (3) years from the date of the Certificate of Completion shall be considered de facto evidence that the system was satisfactorily constructed. In the absence of know defects requiring remedial work, the Contractor's warranty responsibility for the work shall automatically terminate three (3) years from the date of the Certificate of Completion.

4.9.12: MODIFICATION OF THIS SPECIFICATION

4.9.12.1 CHANGES

The Town of South Fork may edit, amend, improve, or change these Specifications from time to time, as the Town Public Works Director shall deem necessary and in the best interest of the Town. Plans submitted for review subsequent to the effective date of any revisions shall conform to the revised specifications.

4.9.12.2 PROHIBITION AGAINST RETROACTIVE APPLICATION

Changes to the Specifications shall not be applied retroactively to plans already approved for construction.